ADR Dharma: Seeking a Hindu Perspective on Dispute Resolution from the Holy Scriptures of the *Mahabharata* and the *Bhagavad Gita*

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INTRODUCTION

On the plains of Hastinapura, India, the great warrior, Arjuna, stands in his chariot awaiting battle. He is blessed to have Lord Krishna, the incarnation of God, to be his charioteer. Arjuna asks Krishna to drive him to the center of the battlefield. When Krishna does so, Arjuna looks all around him, and sees an ocean of soldiers, chariots and armored elephants. As Arjuna looks closer, he sees that his entire family—brothers, cousins, uncles, and grandfathers—will be fighting against each other in this war. Even though Arjuna is one of the world’s strongest warriors, he does not want to fight. Why would he want to kill his family members? Could not there be peace? Is not fighting a sin? Hundreds of doubts like these fill Arjuna’s heart to the point where he feels overwhelmed. He sits in his chariot, sinks his face in his hands, and sulks. Seeing this, Lord Krishna is disappointed in Arjuna’s behavior. Krishna, who is God, has a conversation with Arjuna, in which He tells Arjuna that it is his duty to fight the war and not to be weak-hearted. This conversation is known as the Bhagavad Gita, which means, “Song of God.” The Bhagavad Gita is only a small chapter from the huge epic, The Mahabharata, which means, “The Great War.”

Since the Mahabharata and the Bhagavad Gita are both monumental pieces of Hindu literature, this paper seeks to analyze them in order to garner a Hindu perspective on dispute resolution. Accordingly, there will be five parts to this paper: Part I seeks to give an overview of certain Hindu concepts such as dharma, which will make it easier to understand the Mahabharata and the Gita. Part II will then give a brief summary of the basic plot of the Mahabharata. Then, Part III will zoom in on the section of the Mahabharata where Lord Krishna attempts to mediate peace between the two sides of the Great War. Part IV will then analyze the Bhagavad Gita and...
flush out its two concepts of how to first, discover what one’s duty is, and second, how to selflessly do one’s duty. Next, Part V will give the conclusion that the Hindu perspective of dispute resolution involves two layers: First, the layer of internal disputes within each one of us that needs to be resolved, and second, the layer of external disputes between people that needs to be resolved. It is only when people try to the best of their ability to resolve both the internal and external levels of dispute resolution that there will be both inner peace and world peace.

PART I: AN OVERVIEW OF HINDUISM

In order to better understand the Mahabharata, it is necessary to have a clear overview of the teachings of Hinduism. Hinduism is a religion with spirituality at its end. Unlike most religions, it accepts the notion that different people are at different levels of spiritual ripeness. Thus, Hinduism offers many different paths that lead to the same destination based on how spiritually evolved someone is.

It is difficult to study Hinduism because there is not just one source to go to in order to learn what Hinduism is about. It is unlike religions such as Judaism, Christianity, and Islam where if one wants to learn the religion they just have to read one main text such as the Torah, the Bible, or the Koran. Rather, Hinduism literally has thousands of books and scriptures on Hindu spiritual literature. These scriptures can be categorized into four different types: (1) Srutis, (2) Smritis, (3) Epics, and (4) Puranas.

Srutis

The literal meaning of “Sruti” is “that which has been heard or revealed.” Hindus believe that ancient sages, known as “Rishis,” were capable of entering into deep meditation in which they were able to communicate directly with God. Through this direct communication with God, the

2 Id.
3 Id.
4 Id. at 5.
5 Id.
6 Id.
7 JAGANNATHAN, supra note 1, at 10.
8 Id. at 11.
9 Id. at 20.
10 Id. at 5.
11 See generally id.

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Srutis were revealed to the rishis. The Srutis are more commonly known as the Vedas. The Vedas, which were codified by the sage Veda Vyasa, are critical because they form the basis of Hinduism and are known to be “aparurusheya,” which means “of divine origin, unchangeable, eternal.” Thus, all the teachings within the Vedas are thought to stand the test of time and be valid for any age.

There are two sets of Vedas: the four original Vedas and the “Upa” or subsidiary Vedas.

The Original Vedas

There are four original Vedas: Rig Veda, Yajur Veda, Sama Veda, and Atharva Veda. The Rig Veda contains hymns that praise the divine, the Yajur Veda contains hymns used in religious rituals, the Sama Veda contains hymns from the Rig Veda that are set to music, and the Atharva Veda “guides man in his material and daily living.”

The Vedas contain different parts within themselves. They consist of the Mantra, which is the hymn; the Brahmana, which explains how to use the hymn in rituals; the Aranyaka, which are mystical interpretations of the hymns; and finally the Upanishads, which are considered to be the most important part of the Vedas. This is because they are believed to be the “essence of the Vedas” and have “profound spiritual truths” which guide people in their “search for spiritual enlightenment.”

The Upa Vedas

There are four Upa Vedas: the Ayurveda, which is the science of health and balance of life; the Dhanurveda, which is the science of the use of weapons; the Gandharva Veda, which is the science of music and dance; and

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12 JAGANNATHAN, supra note 1, at 5.
13 Id.
14 Id.
15 Id.
16 Id.
17 Id.
18 JAGANNATHAN, supra note 1, at 5.
19 Id.
20 Id. at 6.
21 Id.
22 Id.
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finally the Arthashastra, which explains state administration and the conduct of commerce.\textsuperscript{23} In addition to the main Vedas and the Upa Vedas are the Vedangas, which are "limbs" of the Vedas and teach a multitude of topics such as Jyotisha, or Vedic astrology.\textsuperscript{24}

\textit{The Smritis}

Smriti means "that which is remembered," in Sanskrit.\textsuperscript{25} Unlike the Srutis, which are of divine origin, the Smritis are "human compositions."\textsuperscript{26} It could be analogous to comparing the Srutis as Jesus' sermons whereas the Smritis are letters from St. Paul.

At first glance, the Smritis seem to be the spiritual texts to look at when wanting to get a Hindu perspective on dispute resolution, but after a little bit of an investigation, it does not appear so. The Smritis were intended to "regulate and guide individuals in their daily conduct and list the codes and rules governing the actions of the individual, the community, society and the nation. They are known as the Dharma Shastras or the laws governing righteous conduct."\textsuperscript{27} But, unlike the perpetual applicability of the Vedas, the Dharma Shastras are more temporal. "Hinduism . . . accepts that the rules of society change with every age, and therefore the laws, or the Dharma Shastras must change from time to time."\textsuperscript{28}

\textit{The Epics}

The epics, also known as Suhrit Samhitas are an important part of Hinduism. They "are friendly compositions, as they teach the greatest of truths in an easy, friendly way without taxing the mind, as the language is simple and the contents easily understood."\textsuperscript{29} Although there are four Hindu epics, the two most popular are the Ramayana and the Mahabharata.\textsuperscript{30}

\begin{thebibliography}{99}
\bibitem{23} JAGANNATHAN, \textit{supra} note 1, at 8-9.
\bibitem{24} Id. at 9.
\bibitem{25} Id. at 10.
\bibitem{26} Id. at 11.
\bibitem{27} Id. at 10.
\bibitem{28} Id. at 10-11.
\bibitem{29} JAGANNATHAN, \textit{supra} note 1, at 11.
\bibitem{30} Id.
\end{thebibliography}
The Ramayana

The *Ramayana* is the story of Lord Rama, who is an incarnation of Lord Vishnu. Rama ruled his kingdom during the Rama Rajya, which was essentially a time of utopia. "Ideal behavior of the rulers and the ruled, of men and women, were shown by the actions of the characters in this epic, thereby teaching the people, subtly yet effectively, what ideal behavior should be."

The Mahabharata

The *Mahabharata* means “The Great War” in Sanskrit. The *Mahabharata* is an epic that is over 5,500 pages in length. It contains 100,000 verses and is eight times the length of Homer’s *Odyssey* and *Iliad* combined. It is an important piece of spiritual literature because it’s stories elucidate the essence of the Vedas in a practical and understandable fashion. A concise summary of the epic is important to read in order to understand the importance of this work to the dispute resolution context.

The Puranas

Finally, the last category of Hindu spiritual texts is the Puranas. Similar to the Vedas, there are eighteen main Puranas and eighteen subsidiary, or Upa Puranas. Essentially, the Puranas consist of tales that convey the truths of the Vedas and Dharma Shastras in the form of short stories.

In conclusion, these four categories of scriptures explain the tenets of Hinduism in their own fashion and appeal to different parts of the human consciousness:

The first, the Srutis or the Vedas are the very soul of Hinduism and are of divine origin. They are eternal and without beginning or end. The Smritis or Dharma Shastras are like the body, subject to decay and can be changed from time to time, from age to age. The truths of the Srutis and the
Smritis are conveyed to the ordinary people through great Epics, which appeal to their hearts, and through the Puranas, which appeal to their imagination. 39

The Hindu Concepts of Dharma and Karma

Hindus believe that there is a preexistent macrocosmic order, which they call “rta”. 40 This belief arose out of the fact that there would always be some truths that would remain out of the scope of human knowledge. 41 For example, to this day, nobody can explain the reasons why so much human life has been lost through disasters such as the tsunami that hit India and Thailand, Hurricane Katrina, and the huge earthquake that recently hit Pakistan. Some things are just outside the control and knowledge of humans. This is what the Hindus refer to as the preexistent macrocosmic order of rta. Because Hindus believe that there will always be a “higher entity” outside the scope of human knowledge, they do not consider written law as a primary source of law. 42 At best, written laws are “potential guidance in solving a problem, but not binding legal rules . . .” 43

In congruence with the preexistent macrocosmic order, or rta, Hindus believe that there is also a self-controlled microcosmic order called dharma. 44 Dharma is a fundamental tenet of Hinduism. 45 Dharma has no exact English translation, but it basically means, “the privileges, duties and obligations of a [person], their standard of conduct as a member of [their] community, as a member of [their profession], [and] as a person in a particular stage of life.” 46

Hindus believe that they have the power to know their own dharma. 47 Thus, “there is no one religious, moral, or legal code that binds all Hindus together as a matter of dogmatic belief.” 48 Instead, Hindus are allowed “to pick and choose elements from the tradition themselves.” 49 Thus, the concept of dharma makes it difficult for Hindus to believe or follow a strict code of rules. 50 Dharma similarly made it difficult for Hindu rulers to legislate
laws as well. 51 The Hindu sages knew that even the most atrocious actions would be “allowable depending on the circumstances.” 52 For example, in the Mahabharata, Lord Krishna instructs Arjuna that he must kill his relatives in war in order to fulfill his dharma. 53 “Dharma is, thus, . . . not an absolute notion of good, nor is adharma the equivalent of bad.” 54 Hindus believe that there will only be peace and harmony when everybody pursues dharma, or their righteous duty. 55 In other words, they believe that the “cosmic order [could be] sustained . . . by following dharma: through every individual’s self-controlled behavior and conscious subordination of personal desires to higher concerns.” 56 Adharma, which rejects righteousness and leads to conflicts, is the pursuit of the opposite path of dharma. 57

However, the concept of dharma is quite elusive. There is no rulebook that guides Hindus as to whether they are following their dharma or not, as the Koran would appear to do for Muslims. 58 In fact, there is no “guidance beyond the rule of righteousness”. 59

A Hindu who seeks guidance as to what is appropriate is at sea, so to say, floating on a bed of conceptual support structures that demand of every individual at all times to actively stay afloat by striving to do the right thing. There is no cozy life raft of simple prescriptions, no rope thrown from heaven that may just be grasped for salvation, no binding rule system that may just be applied more or less unthinkingly to stay afloat in the sea of life. Being a Hindu seems to be hard work, and is full of insecurities in terms of rewards for doing the right thing. But perhaps this is not what counts, anyway, since the key point of dharma is not so much the collection of brownie points for one’s own salvation, but awareness of cosmic interlinkage and the individual’s obligation towards the universe. 60

51 Id.
52 MENSKI, supra note 40.
53 See id. at 94.
54 Id.
55 JAGANNATHAN, supra note 1, at 57 (“The saying, ‘dharanat dharmaḥ’ means dharma sustains the world and it is that which holds the world together.”).
56 MENSKI, supra note 40, at 95.
57 JAGANNATHAN, supra note 1, at 57.
58 MENSKI, supra note 40, at 97-98.
59 Id. at 98.
60 Id.
Hindus also believe in the concept of karma in conjunction with dharma.\(^{61}\) Karma simply means “action,” but Hindus believe that there is good karma, which is in accordance with dharma, and bad karma, which is in accordance with adharma.\(^{62}\) Depending on whether one does good or bad karma, one may receive benefits or adversities.\(^{63}\) Accordingly, the concept of “dharma and karma together establish a complex system of moral demands and retributinal threats and promises, all designed to elicit ideal ‘appropriate’ behavior.”\(^{64}\) Thus, society benefits when everyone realizes what their dharma is, and then “put[s] [their] duties into effect.”\(^{65}\)

Hindus believe that there was a golden age when everybody knew their dharma and actively pursued it.\(^{66}\) This is when the “bull of dharma had four strong feet.”\(^{67}\) Now, however is the “kaliyuga,” which is “the era of depravity and decay,” where “dharma only has one foot.”\(^{68}\) Thus, people are not doing their dharma, which is why there is not only unhappiness in the world, but also why people do not have inner peace either.

The *Mahabharata* takes place in between the golden age of dharma and the kaliyuga. It is therefore a time when the fight between doing either dharma or adharma ensues.

**PART II: SUMMARY OF THE *MAHABHARATA***

Although the *Mahabharata* contains hundreds of stories within stories, prologues and epilogues, there is one main plot, which climaxes into the Mahabharata, the great war. The plot centers around the descendants of King Vichitravirya.\(^{69}\) King Vichitravirya had two sons, Dhritarashtra and Pandu.\(^{70}\) Dhritarashtra, who was born blind, had one hundred sons who were known as the Kauravas.\(^{71}\) Duryodhana was Dhritarashtra’s first born son and is known for being wicked and jealous.\(^{72}\) Pandu had five sons who were known as the Pandavas.\(^{73}\) His sons, Yudhishthira, Bhima, Arjuna, Na-
kula, and Sahudeva, were all known for being virtuous and masters in the art of war. Even though Dhritarashtra was older than Pandu, Pandu became king after Vichitravirya died because a law prevented blind kings from ruling the land. Pandu, however, died early when his sons were still young. Thus, even though Pandu’s eldest son, Yudhishthira was the heir apparent, King Dhritarashtra ruled the land until Yudhishthira was of mature age. When Yudhishthira was eventually crowned king, Dhritarashtra’s son Duryodhana became very jealous because he wanted to be the heir apparent and rule the land. In order to get what he wanted, Duryodhana wanted the Pandavas dead.

Duryodhana tried to kill or ruin the Pandavas in many ways so that he could be the next heir to the throne. For example, he tried to drown Bhima in the Ganges river, but his plan backfired. Duryodhana, however, remained perseverant and thought of even more wicked plans. He devised a plan where he lured the Pandavas to the city of Varanavata to attend a religious festival. There, Duryodhana had a wax palace built for the Pandavas that appeared to be very comfortable, but was in fact built with combustible materials. His plan was to have the place burned to the ground while the Pandavas were asleep in the wax palace. The Pandavas found out of this plan from a mole, however, they did not want to make it look like they knew of it. Instead, they wanted to make it look like they escaped by luck. In fact, on the day the wicked plan was to be executed, the Pandavas escaped without a trace and made it look like they died in the fire. In actuality, they were not dead; they dressed incognito as Brahman priests, went to the

74 Rajagopalachari, supra note 69.
75 Id.
76 Id.
77 Id.
78 Id.
79 Id.
80 Rajagopalachari, supra note 69.
81 Id.
82 Id.
83 Id.
84 Id.
85 Id.
86 Id.
87 Id.
88 Id.
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city of Ekachakra, and stayed there in a Brahman’s house, while waiting for better days.  

The Pandavas were incognito for over a year, and during this time Dhritarashtra and Duryodhana ruled the kingdom thinking that they would never have to worry about the Pandavas again. But, the Pandavas finally revealed themselves at the swayamvara of Princess Draupadi. A swayamvara was the practice where the family would give away their daughter in marriage to the most eligible bachelor. The Pandavas wanted to win Draupadi’s hand in marriage. Some of Dhritarashtra’s sons, including Duryodhana, were in attendance as well. The test to win Draupadi as wife was announced by her brother Dhrishtadyumna:

Hear ye, O princes seated in state in this assembly, here is the bow. There is the target and here are the arrows. He who sends five arrows in succession through the hole of the wheel and unerringly hits the target, if he also be of good family and presence, shall win my sister.

None of the kings could do this feat, including Duryodhana and Karna. Then Arjuna, who was disguised as a Brahman, tried and won with ease. There were some kings who were against the fact that a Brahman was marrying Draupadi, since the swayamvara is a kshatriya practice. When Arjuna and Bhima left, Dhrishtadyumna secretly followed them, and noticed that they were probably the Pandavas. The Pandavas were then invited to King Drupada’s palace. Although Drupada was happy that Draupadi was marrying a Pandava, he was against the fact that the Pandavas wanted to “jointly marry Draupadi.” Finally, Yudhishthira gave his reasoning for doing so: “O king, kindly excuse us. In a time of great peril we vowed that we would share all things in common and we cannot break that pledge. Our mother has commanded us so.” Finally, Drupada yielded.

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89 Rajagopalachari, supra note 69.
90 Id.
91 See id.
92 Id.
93 Id.
94 Id.
95 Id.
96 Id.
97 Id.
98 Id.
99 Id.
100 Id.
101 Id.
102 Id.
103 Id.
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The knowledge that the Pandavas were alive and more powerful now since they were connected by marriage to King Drupada infuriated both Duryodhana and Dhritarashtra. Duryodhana was as jealous as ever and immediately tried to think of strategies and tricks to defeat the Pandavas. His elder counselors, however, advised against this. The great warrior Bhishma said:

The proper course will be to welcome them back and give them half the kingdom. The citizens of the state also desire such a settlement. This is the only way to maintain the dignity of our family. There is much loose talk not creditable to you about the fire incident at the wax house. All blame, even all suspicion, will be set at rest if you invite the Pandavas and hand over half [of the] kingdom to them.

Other counselors agreed with Bhishma’s advice, which influenced Dhritarashtra to give half of the kingdom to the Pandavas. Dhritarashtra crowned Yudhishthira king and said, “My sons are wicked and proud. I have made this settlement so that there may be no strife or hatred between you. Go to Khandavaparstha and make it your capital.”

The Pandavas went to Khandavaparstha and renamed the capital to Indraprastha. They rebuilt the city and “[i]t grew in wealth and beauty and became the admiration of the world.” The Pandavas happily ruled there for thirty-six years. They ruled so well that Yudishthira’s people wanted him to become emperor. After conquering a kingdom, Yudishthira performed the glamorous Rajasuya sacrifice and assumed the title of Emperor, with Lord Krishna’s blessing.

Duryodhana was in attendance at the Rajasuya sacrifice and was jealous of the Pandavas accomplishments. He desperately wanted to conquer them, but the evil genius, Sakuni, suggested to Duryodhana that because he knew how to cheat at the game of dice, he would be able to take over the Pandavas’ kingdom without shedding any blood.
Yudhishthira was fond of gambling and it was impolite in those days to refuse an invitation to a game of dice.\footnote{115} “At first Yudhishthira and Sakuni wagered jewels and later gold, silver and then chariots and horses. Yudhishthira lost continually.”\footnote{116} He even wagered cows, sheep, cities villages and citizens.\footnote{117} “Still, drugged with misfortune, he would not stop.”\footnote{118} Yudhishthira even bet all of his brothers, then himself, and lastly, his wife Draupadi.\footnote{119} He lost them all.\footnote{120}

After the Kauravas won Draupadi, she came to the court, the Kauravas tried to take her robes off of her, which they also won.\footnote{121} Draupadi prayed to God for some kind of intervention.\footnote{122} “In vain Duhsasana toiled to strip off her garments, for as he pulled off each, ever fresh garments were seen to clothe her body, and soon a great heap of resplendent clothes was piled up before the assembly till Duhsasana desisted and sat down in sheer fatigue.”\footnote{123} After this miracle, King Dhritarashtra knew there would be ill fate on his kingdom.\footnote{124} He told Yudhishthira, “Take back your kingdom and riches and everything else and be free and prosperous. Return to Indraprastha.”\footnote{125} When the Pandavas were gone, Duryodhana again convinced Dhritarashtra “to entice Yudhishthira once again to a game of dice.”\footnote{126} Yudhishthira could not refuse the game of dice without losing his honor, so he decided to play again.\footnote{127} The wager this time was that “the defeated party should go with his brothers into exile to the forest and remain there for twelve years and spend the thirteenth year incognito. If they were recognized in the thirteenth year, they should go again into exile for [another] twelve years.”\footnote{128} Unfortunately, Yudhishthira lost again and he, his brothers, and Draupadi were exiled to the forest.\footnote{129}

While in exile, the Pandavas suffered great struggles.\footnote{130} “The Pandavas, had, no doubt, to pass through all sorts of troubles during their exile, but
The gains too were not inconsiderable. It was a period of hard discipline and searching probation through which they emerged stronger and nobler men.

The Pandavas decided to spend their year incognito in the kingdom of Matsya. During that period, each of them worked for the king’s court, but in disguise.

When the thirteenth year of incognito lifestyle ended, the conditions of the bet on dice only gave the Pandavas their personal freedom back, but they were still left without a kingdom. Thus, Lord Krishna advised the Pandavas to seek a peaceful settlement, which would restore half of the kingdom back to Yudishthira. The Pandavas agreed to send an envoy to the Kauravas in order to communicate that the Pandavas were interested in having peace. Dhritarashtra also sent his envoy Sanjaya to relay a similar message. Yudishthira told Sanjaya that if peace was the goal, the Pandavas would not even request half of the kingdom that they once ruled, but rather were content with only five villages. When Duryodhana heard that the Pandavas were fine with only five villages, he thought the Pandavas were giving so much up because they were afraid of the Kauravas power. Thus, Duryodhana went against his father’s wishes for peace and vowed that the Pandavas would “not receive even a needle-point of territory.”

Yudishthira could sense from Sanjaya’s message of peace that in actuality, the Kauravas were trying to obtain peace without giving the Pandavas any land in exchange. Krishna understood the complexity of the situation between the Kauravas and the Pandavas, and took it upon himself to seek peace between the two quarreling sides of the family.

Krishna, unfortunately, failed at seeking peace, and war became a certainty. The rest of the Mahabharata describes in detail how the Pandavas defeated the Kauravas in an eighteen day battle that the world had never seen before.

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131 Rajagopalachari, supra note 69.
132 Id.
133 Id.
134 Id.
135 Id.
136 Id.
137 Rajagopalachari, supra note 69.
138 Id.
139 Id.
140 Id.
141 Id.
142 Id. at 116-17.
Now that a summary of the Mahabharata has been given, this paper seeks to focus on the alternative dispute mechanisms that were sought rather than going to war.

PART III: ZOOMING IN ON LORD KRISHNA’S SETTLEMENT ATTEMPT

Krishna’s settlement attempt covers about eighty lengthy sections of the *Mahabharata*. The goal is to analyze Krishna’s settlement attempt thoroughly. Krishna is one of the most important Gods in Hinduism and He is the god who the story of the *Mahabharata* revolves around. It is thus also important to see what settlement techniques God uses in trying to secure peace.

*The Pandavas Discuss the Importance of Peace*

Yudhishthira demanded his kingdom back from Duryodhana but he refused.\(^1\) Recognizing the complexity of the situation, the Pandavas had a lengthy discussion about what to do next.\(^2\) Yudhishthira spoke first. He found himself stuck between a rock and a hard place: on one hand, he did not want to seek peace and be without a kingdom.\(^3\) On the other hand, he did not want to go to war, which would threaten the extinction of the entire kshatriya race.\(^4\) Thus, Yudhishthira reached the conclusion that conciliation without sacrificing one’s interests was the best step to take.\(^5\) Krishna agreed to try to secure peace with the Kauravas without sacrificing the Pandavas’ interests.\(^6\) However, Yudhishthira was afraid that if Krishna went to the Kauravas, Duryodhana would either do something wicked to Krishna or be against peace, which would make Krishna’s journey fruitless.\(^7\) Krishna tried to pacify him and let him know that even if peace was not secured, the mission would not be fruitless, because the Pandavas would have

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\(^2\) Id.

\(^3\) Id.

\(^4\) Id.

\(^5\) Id.

\(^6\) Id.

\(^7\) Id.

\(^8\) Ganguli, supra note 143 (citing Book 5, § 72, available at http://www.sacred-texts.com/hin/m05/m05072.htm).
at least avoided blame from the world. Nobody would be able to re-
proach them for going to war without first seeking peace.

Next, Bhima gave his opinions on seeking peace. Throughout the Mahabharata, Bhima was known for being a strong and heroic figure who is not afraid of war. Yet, uncharacteristically, Bhima told Krishna that he agreed with Yudhishthira in that they should try to secure peace with the Kauravas. In fact, he gave Krishna several tips on how to effectively seek peace with the wicked Duryodhana. Particularly, he asked Krishna to use kind words with Duryodhana and to get the agreement of Duryodhana’s counselors so that he would ultimately be more open to accepting a peaceful settlement. Krishna, rightfully so, was surprised that Bhima, out of all people, wanted peace. Krishna started to question Bhima’s manliness, even going to the extent of calling Bhima a “eunuch.” In this section, Krishna thought that Bhima was suggesting peace because he has seen “inauspicious omens” and was thus promoting peace because he was scared to fight the war. However, Bhima defended his manliness and his kshatriya duty by saying that he was not seeking peace out of fear, but “for the sake of compassion” and for “goodwill to the foe.” It appears that Krishna was more comfortable with seeking peace out of compassion for somebody else rather than out of fear for one’s own livelihood.

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150 See Ganguli, supra note 143 (citing Book 5, § 73, available at http://www.sacred-texts.com/hin/m05/m05073.htm) (“And as thou askest for peace no one will charge thee sinful, while all the chiefs of the earth will censure the Kurus and Dhritarashtra . . . .”).

151 Id.

152 Id.

153 Ganguli, supra note 143 (citing Book 5, § 74, available at http://www.sacred-texts.com/hin/m05/m05074.htm).

154 Id.

155 Id. (“Do thou behave towards him with mildness . . . address him slowly and mildly, not in bitter but sweet words fraught with virtue and profit, and discourse fully on the subject so as to attract his heart.”).

156 Id. (“O Krishna, let the aged Grand sire and the other counselors of the Kurus be asked to bring about brotherly feelings between brothers and to pacify [Duryodhana].”)

157 Ganguli, supra note 143 (citing Book 5, § 75, available at http://www.sacred-texts.com/hin/m05/m05075.htm) (“That thou O Bhimasena, shouldst utter words so unexpected of thee is as strange as the shifting of a hill.”).

158 Id. An “eunuch” is “[a] man or boy whose testes are nonfunctioning or have been removed” or “[a]n ineffectual, powerless, or unmasculine man.” See Dictionary.com, http://dictionary.reference.com/search?q=eunuch.

159 Ganguli, supra note 143 (citing Book 5, § 75, available at http://www.sacred-texts.com/hin/m05/m05075.htm).

Krishna noticed that Bhima was passionate about seeking peace and tells him that the wise do their duty without being concerned as to the result. 161 Krishna explained to Bhima that there was an equation to success, which was essentially: Human Exertion + Providence = Success. 162 Krishna explained that one should always do their action or their human exertion. 163 The result, depending on Providence, was that it will either be successful or unsuccessful. 164 However, if there is no human exertion, the result is that it will always be unsuccessful. 165 Therefore, Krishna said that the wise always do their work but are unconcerned with the result. 166

Krishna gave an analogy to soil to elucidate his point:

Behold, the soil is moistened and divested of weeds by human exertion. Without rain, however, O [Arjuna], is never yieldeth crops. Indeed, in the absence of rain some speak of artificial irrigation, as a means of success due to human exertion, but even then it may be seen that the water artificially let in is dried up in consequence of providential drought. Beholding all this, the wise men of old have said that human affairs are set agoing in consequence of the cooperation of both providential and human expedients. I will do all that can be done by human exertion at its best. But I shall, by no means, be able to control what is providential. 167

Nakula, the Pandava brother, gives Krishna two pieces of advice on how to resolve the dispute between the Pandavas and the Kauravas. 168 First, instead of giving Bhima’s advice of speaking kindly, Nakula tells Krishna to “speak... first words fraught with mildness and then those fraught with threats, so that the wicked [Duryodhana] may be agitated with fear.” 169 Nakula wants Krishna to threaten the Kauravas with war so that they will be

161 Ganguli, supra note 143 (citing Book 5, § 77, available at http://www.sacred-texts.com/hin/m05/m05077.htm). In fact, Krishna said that nobody will ever truly know the consequences of their actions. Id. He said that even “learned men” and their acts “that are results of deliberation and well-directed policy, and that are consistent with considerations of propriety, are baffled by the dispensations of Providence.” Id.
162 Id.
163 Id.
164 Id.
165 Id.
166 Id. It appeared to Arjuna that Krishna thought securing peace was impracticable even if their best human effort is given. Ganguli, supra note 143 (citing Book 5, § 78, available at http://www.sacred-texts.com/hin/m05/m05078.htm). Arjuna however tells Krishna that this is not always the case and thus Krishna should give his best effort in trying to secure peace. Id.
168 Ganguli, supra note 143 (citing Book 5, § 80, available at http://www.sacred-texts.com/hin/m05/m05080.htm).
169 Id.

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more inclined to make peace. Nakula thinks that Bhima’s advice was once valid, but not anymore.\textsuperscript{170} He tells Krishna that one should act depending on the circumstances.\textsuperscript{171} He reminds Krishna that their current situation is much different from when they were in exile or incognito.\textsuperscript{172} Now that those times have passed, Nakula says that the Pandavas have an army assembled “of inconceivable might and prowess.” Therefore, Krishna should take advantage of their fortuitous situation and use it to scare Duryodhana into making peace.\textsuperscript{173} Although this piece of advice seems a little obvious, there is a lot of wisdom to it. Sometimes one continues a method of seeking peace—or doing any other action for that matter—that is no longer necessary or could be done another way. It is important for peacemakers to be alert for new changes in a dispute so that they can use the new situation for leverage to gaining settlement.

Sahadeva has widely different advice to Krishna than the other brothers.\textsuperscript{174} He accepts that his other brothers want to be virtuous and seek peace, but Sahadeva, in contrast, wants war at all costs, even if the Kauravas want peace.\textsuperscript{175} Sahadeva seeks the non-righteous path because he cannot forget the obscenities done to Draupadi and must punish the Kauravas for it.\textsuperscript{176} Similar to Sahadeva, Draupadi wants to seek war.\textsuperscript{177} She thinks of seeking peace as “low,” and is ready to count on her father and children to fight the Kauravas.\textsuperscript{178}

Arjuna, however, is against these oaths of war and tries to explain to the others that Krishna is the supreme candidate for seeking peace.\textsuperscript{179} He says

\begin{itemize}
  \item \textsuperscript{170} Id.
  \item \textsuperscript{171} Id. (“Success, however, O [Krishna], is won when a man doth that which ought to be done in view of the occasion. When a thing is settled in one way on one occasion, it becomest unsuitable when the occasion becometh different. Persons, therefore, in this world, O foremost of men, cannot stick to the same opinion throughout.”).
  \item \textsuperscript{172} Id.
  \item \textsuperscript{173} Id.
  \item \textsuperscript{174} Ganguli, supra note 143 (citing Book 5, § 81, available at http://www.sacred-texts.com/hin/m05/m05081.htm).
  \item \textsuperscript{175} Id. (“Thou, O [Krishna], shouldst act, in such a way that war may certainly happen. Even if the Kauravas express their desire for peace with the Pandavas, still, O thou of Dasarha’s race, provoke thou a war with them.”).
  \item \textsuperscript{176} Id. (“Having seen, O Krishna, the princess of Panchala brought in that plight into the midst of the assembly, how can my wrath be appeased without the slaughter of [Duryodhana].”).
  \item \textsuperscript{177} Ganguli, supra note 143 (citing Book 5, § 82, available at http://www.sacred-texts.com/hin/m05/m05082.htm).
  \item \textsuperscript{178} Id.
  \item \textsuperscript{179} Ganguli, supra note 143 (citing Book 5, § 83, available at http://www.sacred-texts.com/hin/m05/m05083.htm).
\end{itemize}
that Krishna’s neutrality and competence are beneficial qualities to bringing about peace:

Thou art now, O Kesava, the best friend of all the Kurus. Related with both the parties, thou art the dear friend of both. It behoveth thee to bring about peace between the Pandavas and the sons of Dhritarashtra. Thou, O Kesava, art competent and, therefore, it behoveth thee to bring about a reconciliation.180 Krishna agreed with Arjuna and said that making peace was consistent with the path of righteousness.181 The consensus that Krishna had, at least between the more important brothers of Arjuna, Bhima, and Yudhishthira, was that the Pandavas would be happy if the Kauravas gave them what they demanded through peaceful negotiation; but if not, then they would “annihilate the Kshatriya race.”182 And with this, Krishna prepared to travel to the Kaurava city of Hastinapura.

Krishna Arrives at the Kingdom of the Kauravas

The Kauravas were eagerly anticipating Krishna’s journey and arrival.183 King Dhritarashtra wanted to put pavilions up along Krishna’s route to Hastinapura and have them “furnished with every object of enjoyment.”184 Dhritarashtra’s counselor, Vidura, began to question the king’s intentions for giving Krishna such exorbitant amounts of wealth.185 Vidura knew that the king was unwilling to make peace and to give the Pandavas the five villages they requested.186 He also knew that the king was trying to somehow pay Krishna off: “Thou seekest to make the mighty-armed hero of Vrishni’s race thy own by means of thy wealth . . . I tell thee, however, that thou art unable, by wealth, or attention, or worship, to separate Krishna from [Arjuna].”187 Vidura suggests to the king that if he really wants to please

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180 Id.
181 Id.
182 Id.
183 See generally Ganguli, supra note 143 (citing Book 5, § 85, available at http://www.sacred-texts.com/hin/m05/m05085.htm).
184 Id.
185 Ganguli, supra note 143 (citing Book 5, § 87, available at http://www.sacred-texts.com/hin/m05/m05087.htm) (“I truly swear by my own soul that thou dost not wish to give all this unto Krishna either from motives of virtue or for the object of doing what is agreeable to him. O giver of great wealth, all this betrays only deception, falsehood, and insincerity. By the external acts, O king, I know thy secret purpose.”).
186 Id.
187 Id.
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https://digitalcommons.pepperdine.edu/drlj/vol7/iss2/7
Krishna, he should give him what he wants: peace. This interaction between Vidura and King Dhritarashtra explains the maxim that one should not try to pay off a peacemaker. Just as Vidura told Dhritarashtra to make peace, the Grandsire Bhishma similarly told Duryodhana to accept Krishna’s proposals for peace. But Duryodhana was totally averse to peace and did not want to give any of his wealth away. Instead, Duryodhana told Bhishma that he was devising a plan to kidnap Krishna so that the Pandavas would “submit” to him, which Bhishma was completely against.

When Krishna finally arrived in the Kauravas’ kingdom, he was warmly received. Duryodhana invited Krishna for a luxurious meal, but Krishna declined, which perturbed Duryodhana. In order to alleviate Duryodhana’s confusion, Krishna used an assertive and commanding tone, and gave an explanation with the force of law:

The high-souled Govinda, of eyes like lotus leaves, then raising his mighty (right) arm, and in a voice deep as that of the clouds, replied unto the king in excellent words fraught with reasons—words that were clear, distinct, correctly pronounced, and without a single letter dropped, saying, ‘Envoys, O king, eat and accept worship only after the success of their missions. Therefore, O Bharata, after my mission becomes successful, thou mayest entertain me and my attendants.”

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188 Id. (“Give unto Kesava, O king, that object in expectation of which, from desire of benefiting both parties, he cometh to the Kurs. Kesava desires peace to be established between thee and Duryodhana on one side and the Pandavas on the other. Follow his counsels, O, monarch.”).


190 Id. (“O Grand sire, I can, by no means, live by sharing this swelling prosperity of mine with the Pandavas.”).

191 Id.


193 Ganguli, supra note 143 (citing Book 5, § 91, available at http://www.sacred-texts.com/hin/m05/m05091.htm) (“Why, O Janardana, dost thou not accept the diverse kinds of viands and drinks, robes and beds that have all been prepared and kept ready for thee? Thou hast granted aid to both sides; thou art engaged in the good of both parties. Thou art again the foremost of Dhritarashtra’s relations and much loved by him. Thou, O Govinda, also knowest fully, and all things in details, both religion and profit. I, therefore, desire to hear, O bearer of the discus and the mace, what the true reason is of this thy refusal.”).

194 Id.

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Krishna further explains to Duryodhana that he will not eat with him because of his wicked nature. But one can also conjecture as to why Krishna gave his decree. One reason could be that he does not want to subjugate his neutrality by accepting gifts from the Kauravas. Another reason could simply be that he does not want to enjoy pleasures when there is work yet to be done.

Whatever his reasoning, Krishna’s communication with Duryodhana had a condescending tone, showing that Krishna had a lot of love and respect for the Pandavas but not for Duryodhana. He calls Duryodhana’s hatred of the Pandavas “unreasonable” and if somebody hates the Pandavas, that person hates Krishna as well.

Instead of eating with Duryodhana, Krishna chose to eat with Vidura who had love for both the Kauravas and the Pandavas. Vidura reminded Krishna of Duryodhana’s wicked and stubborn nature and concluded that any attempt Krishna made at peace would be fruitless. Vidura went further to say that Krishna was not wise to try to counsel Duryodhana to peace. But, Krishna gave four reasons to Vidura as to why it is important to try and seek peace even when there is no hope for it. First, whether you succeed or fail, the merit of the act will be yours. Second, it is a friend’s duty to make peace. Third, if you try to seek peace and fail, you avoid any blame. Fourth, you satisfy your own conscience.

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195 Id. Krishna explains that one accepts food from another either when they are in distress or when the offeror inspires love in the other by some act. Id. Duryodhana has done neither. Id. In fact Duryodhana was not being loving but wicked because he hated the virtuous Pandavas so much. See id. “Defiled by wickedness, all this food, therefore, deserveth not to be eaten by [Krishna].” Id. See Ganguli, supra note 143 (citing Book 5, § 91, available at http://www.sacred-texts.com/hin/m05/m05091.htm).

196 See id. And to go a step further than that, Krishna said, “Know that the virtuous Pandavas and my own self have but a common soul.” Id. Obviously insinuating Duryodhana, Krishna even said, “He, who, following the impulses of lust and wrath, and from darkness of soul, hateth and seeketh to injure one that is possessed of every good quality, is regarded as the vilest of men.” Id.

197 Ganguli, supra note 143 (citing Book 5, § 92, available at http://www.sacred-texts.com/hin/m05/m05092.htm).

198 Id. ("With those that are so resolved thy words will certainly prove vain. Where, O [Krishna], words, good or bad, are of the same effect, no wise man would spend his breath for nothing, like a singer before the deaf.").

199 Ganguli, supra note 143 (citing Book 5, § 93, available at http://www.sacred-texts.com/hin/m05/m05093.htm). Krishna explained that one obtains great merit for liberating the world from war. Id. And even if someone who tries to do a virtuous act to the best of their ability fails, Krishna said, “I have not the least doubt that the merit of that act becomes his, notwithstanding such failure.” Id. Thus, if one tries their best to accomplish the goal of peace, they will earn the merit of the act, regardless of whether or not they succeed. Therefore, one should always try to secure peace first, no matter how unlikely the result is, in order to obtain the merit of the action.

200 Id. Krishna said that it is one’s duty to stop his friend from doing something wrong. Id. Therefore, he shall do all in his power to stop his friend, “even to the extent of seizing him by the hair.”
Krishna Attempts to Counsel King Dhritarashtra to Peace

The day for the mediation finally comes. Krishna first made a speech to King Dhritarashtra for peace. In order to better understand his lengthy monologue to the king, it has been split into many assertions:

Krishna’s purpose for coming is to secure peace.205

Krishna explains what the king’s dharma (duty) is.206

It is bad to not do your dharma (adharma).207

You have the power to stop adharma.208

Continuing adharma is bad.209

It is not too late to stop adharma.210

Peace depends on both of us.211

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205 Id. Krishna continued to elucidate the role of a “true friend” as one who acts as a mediator when there are disputes between “kinsmen.” Ganguli, supra note 143 (citing Book 5, § 93, http://www.sacred-texts.com/hin/m05/m05093.htm). Therefore, because Krishna was a friend to both the Pandavas and the Kauravas, it was his duty as a true friend to try to seek peace between them. Using this logic in the national context, it would be heartening to see nation states, who are allies with disputing parties, take the role of neutral and impartial mediators between the two.

206 Id. Krishna explained that one who seeks peace to the best of his ability but still fail does not receive blame but rather praise for his noble act. Id. There is no way that one who is competent in the field of peacemaking will receive the “censure of kings” after they have diligently attempted to secure peace between disputing parties. Id.

207 Id. (“If while endeavoring to bring about the good (of my friends), Duryodhana judgeth me wrongly, I shall have the satisfaction of my own conscience. . . .”).

208 Id. Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm) (“In order that, O Bharata, peace may be established between the Kurus and the Pandavas without a slaughter of the heroes, I have come hither.”).

209 Id. Krishna almost cunningly reminded Dhritarashtra what the duties of a king are. Id. To name a few, Krishna said that a king’s duty is “joy in the happiness of others, grief at sight of other people’s misery, desire to alleviate distress, abstention from injury, sincerity, forgiveness, and truth . . . .” Id. But even though the entire Mahabharata makes clear that the Kauravas are evil and wicked, Krishna contrastingly said that these ideals “prevail among[]” them. Id. This is a clever method for reminding the king what his duty is because it puts Dhritarashtra in an uneasy position if he does something contrary to what Krishna said his kingdom is so well known for.

210 Id. Krishna told the king that it would be a “pity” if the Kauravas did anything “improper,” or against their dharma, and an even greater pity if it was the king who did so. Id.

211 Id. Krishna told the king that it is his dharma to “restrain” his sons from doing adharma. Id. In fact, because the king was not doing his dharma, he was allowing adharma to be perpetuated. Krishna explained to the king that his sons adharma consists of “abandoning both virtue and profit, disregarding morality, and [being] deprived of their senses by avarice.” Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm). These acts cause the Kauravas to act “unrighteously” to the Pandavas, who should be the Kauravas’ best friends. Id.

212 Id. (“If thou comest indifferent to it, it will then produce a universal slaughter.”).

213 Id. (“If, O Bharata, thou art willing, thou mayest be able to allay that danger even yet, for, O bull of Bharata’s race, peace, I think, is not difficult of acquisition.”).

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It would be best if your sons obeyed you.212 Following the path of dharma is very beneficial to you.213 Following the path of adharma is dangerous to you.214 Follow the path of dharma and not the path of adharm.215 It is your dharma to protect the Pandavas.216

Krishna gives the king a statement from the Pandavas, which essentially tells the king that they did their dharma while living in the exile, and now it is the king’s dharma to follow the path of dharma and secure peace.217

211 Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm). Krishna told the king that peace is in both the hands of the king and himself. Id. Krishna said that in order to obtain peace, the king should “set right thy sons,” and in turn, Krishna would “set the Pandavas right.” Id. It appears that Krishna may have included this statement here to not put too much pressure on the king. If one bears the whole burden on their shoulders, they may become agitated and fearful. Krishna appeared to be adding an element of camaraderie with the king. He was letting him know that they are in this together. Krishna was his friend and together they could do something beneficial for the world.

212 Krishna told the king that its in the Kauravas’ best interests if his sons “obey” his “command.” Id. The best situation would be if the king’s sons were in obedience to the king. Id.

213 Krishna told the king that seeking peace would be the path of both “religion and profit.” Id. He explained to the king of all the beneficial results that would happen if the king restrained his sons. Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm). First, peace would be beneficial to both the Kauravas and the Pandavas because they would both become allies. The Pandavas would be critical allies to have because they are supreme protectors that not even the gods could “vanquish.” Id. Only people of “misdirected intelligence” would even consider fighting the joint force of the Pandavas and the Kauravas. Id. Effectively, if the Kauravas and the Pandavas are allies, the king will be invincible and the rest of the world will want to be his ally as well. Id. When the king is kept secure with his entire family, he will live in “exceeding happiness” and “enjoy the sovereignty” of the whole earth. Id.

214 Krishna explains all the dangers of war that will result if the king does not do his dharma and restrain his sons. Id. Krishna talks of “wholesale destruction,” and that the war will result in the “extermination” of the Earth’s population. Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm). At best, even if the Kauravas win the war, he will not be able to be happy because they will be “reduced in numbers and strength.” Id.

215 Krishna continues to persuade the king to peace by explaining the pros of peace and the cons of war. Id. War would exterminate the population whereas peace will allow kings to “eat[] and drink[] with one another” and let them “return to their respective homes.” Id. He hopes that the king’s “affection” for the Pandavas will be “revived,” which will lead to peace. Id.

216 Krishna reminds the king that the Pandavas lost their father when they were very young, and even since then, the king raised them. Id. Therefore, it is the king’s duty to take care of them, especially “when they are distressed.” Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm). Yudisthira said that although they “suffered great misery” for the past thirteen years, they did not “break [their] pledge.” Id. Now, it is the king’s turn to do his duty in accordance with “virtue and profit,” and give the Pandavas half of the kingdom. Id. Yudishthira continued to say that because the king has been like a father and a “preceptor” to them, it is now his duty to act in accordance with those roles. Id.

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Krishna gives the entire court a statement from the Pandavas, which asks them to do their duty and recommend the path of righteousness, which will attain peace.\(^{218}\)

In conclusion, Krishna says the following:

As regards myself, I desire, O Bharata, thy good as also theirs. For the sake of virtue, of profit, of happiness, make peace, O king, and do not allow the Earth's population to be slaughtered, regarding evil as good and good as evil. Restrain thy sons, O monarch, who have from covetousness proceeded too far. As regards the sons of Pritha, they are equally ready to wait upon thee in dutiful service or to fight. That which, O chastiser of foes, seems to thee to be for thy good, do thou adopt!\(^{219}\)

*The Kauravas' Counselors Advise for Peace*

Members of the court began to speak. Jamadagni's son told the story of Nara and Narayana to instill fear in Duryodhana.\(^{220}\) The Rishi Kanwa told the story of Garuda to Duryodhana so that he would not fight the Pandavas who were stronger opponents in battle.\(^{221}\) Duryodhana responded to the

\(^{218}\) *Id.* Yudhishthira asked the "virtuous members" of the court to remember "morality," "truth," and seek "righteousness." *Id.* And in doing so, he sought that the members of the court counsel the king to accept peace. Ganguli, *supra* note 143 (citing Book 5, § 95, available at [http://www.sacred-texts.com/hin/m05/m05095.htm](http://www.sacred-texts.com/hin/m05/m05095.htm)). Krishna uses Yudhishthira's statement to create dissension between the members of the court, as we will see later on, was his method of conciliation. \(^{219}\) Ganguli, *supra* note 143 (citing Book 5, § 97, available at [http://www.sacred-texts.com/hin/m05/m05097.htm](http://www.sacred-texts.com/hin/m05/m05097.htm)).

\(^{220}\) Ganguli, *supra* note 143 (citing Book 5, § 96, available at [http://www.sacred-texts.com/hin/m05/m05096.htm](http://www.sacred-texts.com/hin/m05/m05096.htm)).

\(^{221}\) Matali could not find a suitable bridegroom for his daughter, who was the most beautiful in the land. Ganguli, *supra* note 143 (citing Book 5, § 97, available at [http://www.sacred-texts.com/hin/m05/m05097.htm](http://www.sacred-texts.com/hin/m05/m05097.htm)). He searched the Gods and the men and could find none. *Id.* Then he decided to go to the netherworlds to see if he could seek one. *Id.* Matali was taken to many regions of the netherworld as well as the region of the birds but could find no suitable bridegroom there. Ganguli, *supra* note 143 (citing Book 5, § 98-101, available at [http://www.sacred-texts.com/hin/m05/m05098.htm](http://www.sacred-texts.com/hin/m05/m05098.htm)). Finally, in the happy region of Rasatala, Matali was attracted to Sumukha for his daughter. Ganguli, *supra* note 143 (citing Book 5, § 102-103, available at [http://www.sacred-texts.com/hin/m05/m05102.htm](http://www.sacred-texts.com/hin/m05/m05102.htm)). They asked Aryaka, Sumukha's grandfather, for permission of his grandson's hand in marriage. Ganguli, *supra* note 143 (citing Book 5 § 104, available at [http://www.sacred-texts.com/hin/m05/m05104.htm](http://www.sacred-texts.com/hin/m05/m05104.htm)). But, Aryaka was hesitant to the marriage proposal because his son was devoured by Garuda, who lived on earth, and he vowed to come back and eat Sumukha as well. *Id.* Lord Vishnu heard the complexity of the situation and made sure that Sumukha would have immortal life so that Garuda could no longer be feared. *Id.* Garuda was upset with Vishnu for allowing this. Ganguli, *supra* note 143 (citing Book 5, § 105, available at [http://www.sacred-texts.com/hin/m05/m05105.htm](http://www.sacred-texts.com/hin/m05/m05105.htm)). After all, Garuda believed that it was his divine right to eat Sumukha. *Id.* Because he was upset at Vishnu, Garuda was challenging Vishnu as to
rishi's story with wicked laughter and a comment that his stories are useless since he will not change his behavior. Still, another member of the court, Narada, tried to counsel Duryodhana. He told Duryodhana the story of the obstinate Galava and the vain Yayati in hopes that Duryodhana would relinquish his obstinate and vain attitude and pursue the path of peace instead. King Dhritarashtra agreed with Narada's story but said that he has who was stronger between the two. Id. Garuda claimed that he was stronger than Vishnu, but, Vishnu tested Garuda to see if he could even carry the weight of one of his arms. Id. Garuda could not and asked Vishnu to forgive his pride. Id. After this event, Garuda was cured of his pride. Id. 223 Ganguli, supra note 143 (citing Book 5, § 105, available at http://www.sacred-texts.com/hin/m05/m05105.htm). Duryodhana said, "I am, O great Rishi, precisely what the Creator hath made me. What is to be, must be. What also hath been ordained in my case must happen, I cannot act otherwise. What can these senseless declamations, therefore, avail?" Id. 224 Ganguli, supra note 143 (citing Book 5, § 106, available at http://www.sacred-texts.com/hin/m05/m05106.htm). The ascetic, Viswamitra, gave his disciple, Galava, freedom. Id. Galava was thankful and asked Viswamitra a wish he could bestow upon him for being such a good teacher. Id. Viswamitra told him, "Go, go," insinuating that he did not want anything. Id. But Galava kept asking him, "What shall I give?" Id. Finally, Viswamitra angrily said, "Give me eight hundred steeds, every one of which should be as white as the rays of the moon, and every one of which should have one ear black. Go now, O Galava, and tarry not." Ganguli, supra note 143 (citing Book 5, § 106, available at http://www.sacred-texts.com/hin/m05/m05106.htm). Galava felt nervous and overwhelmed by Viswamitra’s impossible request. Ganguli, supra note 143 (citing Book 5, § 107, available at http://www.sacred-texts.com/hin/m05/m05107.htm). But while he was “lamenting,” one of his friends, Garuda, promised that he would help Galava. Id. Garuda told Galava that he could not get the steeds he was looking for without wealth. Ganguli, supra note 143 (citing Book 5, § 114, available at http://www.sacred-texts.com/hin/m05/m05114.htm). They decided to go to the very wealthy King Yayati and ask for some charity. Id. Yayati told Garuda that he was not as rich as he once was but in order to be virtuous and not make their journey “a fruitless one,” Yayati asked them to take his daughter, Madhavi, a beautiful maiden who has been approached by the best of men and even gods for her hand in marriage. Id. He said that they could get the steeds they wanted as a dowery in exchange for Madhavi’s hand in marriage. Id. Garuda and Galava approached King Haryyaswa for Madhavi’s hand in marriage. Haryyaswa only had two hundred such steeds that Galava needed. Ganguli, supra note 143 (citing Book 5, § 116, available at http://www.sacred-texts.com/hin/m05/m05116.htm). Madhavi then told the King, Galava and Garuda that the gods had granted her a “boon” whereby after the delivery of a child she would become a virgin again. Id. She therefore suggests that Galava and Garuda should give her away to the king, take the two hundred steeds, and after she delivered a son to the king, they should retrieve her so that she can marry somebody else and they can get more steeds. The King accepted the agreement. Id. Galava took the two hundred steeds and retrieved Madhavi after she begot Haryyaswa a son. Id. Galava had the same bargain with King Divodasa and King Usinara whereby Galava obtained two hundred steeds from each king and they each begot a son from Madhavi. Ganguli, supra note 143 (citing Book 5 § 117-118, available at http://www.sacred-texts.com/hin/m05/m05117.htm). Galava later found out that there were no more steeds with one black hue available, so he decided to offer Viswamitra with the six hundred steeds and Madhavi as a substitute for the two hundred he could not obtain. Ganguli, supra note 143 (citing Book 5, § 119, available at http://www.sacred-texts.com/hin/m05/m05119.htm). Viswamitra accepted the offer. After Madhavi begot Visvamitra a son, Galava thanked her and returned her to her father. Id. The consequence of Galava’s bargaining was that the virtuous King Yayati who gave his daughter to Galava had four grandchildren of high births. King Yayati went to heaven and was happy there for many thousands of years. Id. But, “from folly, ignorance, and pride,” the King “mentally disregarded all the gods and Rishis, and all
no ability to persuade his son to do the right thing.²²⁵ So the King asked Krishna to counsel Duryodhana.²²⁶

Krishna Attempts to Counsel Prince Duryodhana to Peace

Krishna’s speech to Duryodhana was just as lengthy as the speech to Dhritarashtra.²²⁷ Again, Krishna’s speech was centered around counseling Duryodhana to do his dharma, but he also gave concessions in addition to that.²²⁸ Krishna’s speech can be divided into the five following assertions:

- It is Duryodhana’s duty to act in accordance with his dharma.²²⁹
- Duryodhana is acting contrary to his dharma, which is bad.²³⁰

Doing your dharma is good for the six following reasons: First, the fruits of your dharma will be beneficial to your family and the rest of the world;²³¹

human beings.” Id. Because of this, nobody in heaven could recall who Yayati was. See id. (“[T]he minds of all were temporarily clouded, so that none recognized the king and thereupon the monarch was soon divested of his splendour.”). King Yayati thus fell back to earth from heaven because he was “[e]xtremely intoxicated with pride” and “disregarded” everyone. Ganguli, supra note 143 (citing Book 5, § 121, available at http://www.sacred-texts.com/hin/m05/m05119.htm). King Yayati prayed to “fall amongst the righteous” and consequently, he fell among his four grandchildren and Madhavi who were in the forest together performing a sacrifice. Id. Madhavi commanded her sons to rescue their grandfather who had fallen from heaven. Id. Yayati ascended to heaven again because his grandchildren transferred their good virtue unto Yayati. Ganguli, supra note 143 (citing Book 5, § 122, available at http://www.sacred-texts.com/hin/m05/m05122.htm). When he was back in heaven, Yayati was perplexed and asked the gods how all of the fruits of his virtuous deeds could be depleted so quickly solely because of his vanity in heaven. Ganguli, supra note 143 (citing Book 5, § 123, available at http://www.sacred-texts.com/hin/m05/m05123.htm). The gods responded that even though Yayati had thousands of years of virtuous deeds, he fell from heaven because there “is not a greater sinner than he who is consumed by the fire of vanity.” Id. Thus, one should “[n]ever disregard those that are inferior, or superior, or in the middle station.” Id.


²²⁶ Id.

²²⁷ See id.

²²⁸ See id.

²²⁹ Id. Krishna told Duryodhana that since he was born into the wise Kshatriya race, it is his duty to act righteously.

³³⁰ Id. Krishna said that Duryodhana was not acting in accordance with virtue and profit but instead was acting unrighteously, which is perverse. Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). Krishna said that only people who are “born in ignoble families, or are wicked-souled, cruel and shameless” act in such ways. Id. Krishna said that if Duryodhana continues to act in such a way it can only lead to sin and even death. Id.

³³¹ Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). Krishna said that if Duryodhana would make peace it would make his father, his counselors, his friends and even the whole world benefit from the settlement. Id.
Second, it is good to listen to your parents; \(^{232}\) Third, it is wise to listen to the counsel of friends; \(^{233}\) Fourth, it is proper to act generously to those who have been generous to you; \(^{234}\) Fifth, follow the path of virtue, which is better than the path of desire or profit; \(^{235}\) Sixth, unify with the righteous rather than the wicked. \(^{236}\)

If you do not do your dharma, bad things will happen to you. \(^{237}\)
If you do your dharma, we will give you a gift. \(^{238}\)

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\(^{232}\) Id. Krishna said that it is in accordance with dharma for one to listen to their parents. Id. He said that “good sons” are “obedient” to their parents’ wishes. Id.

\(^{233}\) Krishna said it is wrong to not accept the beneficial counsel of friends. Id. But, one who accepts such counsel and disregards his own opinion will be successful. Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). One who does not accept beneficial counsel from “well-meaning friends” but rather accepts counsel from wicked people will fall into distress. Id. Krishna wanted Duryodhana to not heed to the counsel he was receiving from his wicked entourage but rather to listen to the beneficial counsel given by his father and his wise counselors and teachers. Id.

\(^{234}\) Id. (“Although thou hast behaved deceitfully towards the Pandavas from their very birth, yet, O [Duryodhana], those distinguished persons have acted generously towards thee. It behoeth thee, therefore; O [Duryodhana], to act towards those principal kinsmen of thine with equal generosity.”).

\(^{235}\) Id. Krishna explained that wise men act in accordance with virtue, profit and desire. Id. If one cannot act in a way which attains all three, he or she should then do the action that seeks to attain virtue and profit. Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). And still, if one can only pursue one of these ideals, those who are wise seek virtue, those who are “neither good nor bad” seek profit, and those who are wicked seek desire. Id. Krishna tried to teach Duryodhana that if he “surrender[s] . . . to . . . anger, [he] will lose[,] his sense of right and wrong.” Thus, he hoped that Duryodhana would seek the path of virtue or even just profit, and be peaceful with the Pandavas. Id.

\(^{236}\) Id. Krishna admonished Duryodhana for having so much faith in his wicked friends Dussasana, Durvisaha, Karna, and Suvala’s son. Id. He said that it would be more profitable to Duryodhana if he was allied with the Pandavas, since they were wiser, more virtuous, stronger and have a greater potential for acquiring wealth. Id.

\(^{237}\) Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). Next, Krishna attempted to be the “agent of reality” to Duryodhana. Id. He attempted to instill fear in Duryodhana by telling him that the Kauravas are no match for the Pandavas. Id. Krishna went to the extent of saying, “Indeed, Arjuna is incapable of being vanquished in battle[ed] even by all the gods . . . .” Id. He pointed to all of Duryodhana’s family and the members of the court and says, “Let not these chiefs . . . perish on thy account. . . . [L]et not people say that thou art the exterminator of thy race and the destroyer of its achievements.” Id.

\(^{238}\) Id. Krishna attempted to give Duryodhana a further incentive for making peace. Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm). He said that if Duryodhana made peace with the Pandavas, the Pandavas would install him as the “Yuvaraja,” or the emperor of the land. Id. This was the position Yudhishthira was granted before he lost at the game of dice. Id. This was the position that Duryodhana was so jealous of the Pandavas for having. Id. The fact that Duryodhana did not accept this gift and was so adamant on war goes to show how deluded his mind was, how filled with wrath he was, and how much he just wanted to go to war. Even God could not negotiate him towards peace.

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The Kaurava Counselors Attempt to Counsel Duryodhana to Peace

After Krishna’s long speech to Duryodhana, the wise members of Duryodhana’s court, Bhisma, Drona, Vidura, and his father, Dhritarashtra, all attempted to counsel Duryodhana to peace.239 All four of them appeared to sound exactly like Krishna.240 Bhishma corroborated Krishna’s advice and said that it was indeed in accordance with virtue and profit.241 And, he too asked Duryodhana not to exterminate his race, kill his family members, and “sink” his parents “into an ocean of grief.”242 Drona gave Duryodhana advice similar to Bhishma. In addition, he said that the Pandavas were even more formidable opponents than even Krishna said.243 It seemed like Drona was exhausted at all the counseling given to Duryodhana, as probably the reader is as well. He concluded by saying, “[W]hat use is there in telling thee what is really conducive to happiness and good? Everything hath now been said unto thee. Do what thou wishest. I do not wish to say anything more unto thee...”244 Vidura tried to counsel Duryodhana to peace by alluding to his parents.245 He hoped that if Duryodhana did not care for his own life, as was apparent by his staunch position on pursuing war and obvious death, he should at least think of his mother and father, who would have to wander the world as beggars after he died.246 Dhritarashtra told his son that it was now the time to make peace with the Pandavas, and if he declined to do so, “victory w[ould] never be [his].”247 Finally, Drona and Bhishma chimed in again and gave one last ditch effort to counsel Duryodhana.248 They both asked him to make peace before it was too late and the realities of war were upon them.249

239 Ganguli, supra note 143 (citing Book 5, § 125, available at http://www.sacred-texts.com/hin/m05/m05125.htm).
240 Id.
241 Id.
242 Id.
243 Id.
244 Id.
245 Ganguli, supra note 143 (citing Book 5, § 125, available at http://www.sacred-texts.com/hin/m05/m05125.htm).
246 Id.
247 Id.
248 Ganguli, supra note 143 (citing Book 5, § 126, available at http://www.sacred-texts.com/hin/m05/m05126.htm).
249 Id. Drona and Bhishma used eloquent imagery in this passage, which helped visualize what the imminent war would look like. Id. They talked of Bhima’s “hero-slaying mace” and “arrowy showers” that can “penetrate the breasts of warriors.” Id. It appeared as if Bhishma and Drona were trying
Duryodhana responded to the many counselors in the court. He thought that everybody was blaming him but he did not think that he was in the wrong. He told the court that the Pandavas lost their kingdom fair and square in the game of dice. Duryodhana then reminded the court that it was he who ordered that the Pandavas' kingdom be given back to them when they lost it. Duryodhana said it was no fault of his that the Pandavas lost their kingdom a second time and had to go into exile. He then maked it seems like the Pandavas were the instigators of this war, and that it was his duty as a Kshatriya warrior not to "bow down to them in fear." Thus, Duryodhana said that as long as he lived, the Pandavas would not get even a needle point of territory.

**Krishna's Response to Duryodhana**

Krishna responded to Duryodhana's speech in anger. He reminded Duryodhana that he was wrong in thinking that he was wholly innocent of causing the Pandavas' plight. It was Duryodhana who cheated at the game of dice to take away the Pandavas' kingdom. It was Duryodhana and his wicked friends who insulted Draupadi in public. It was Duryodhana who tried to burn the Pandavas in the wax palace and kill them on numerous other occasions. Krishna said that although all of Duryodhana's

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250 Ganguli, supra note 143 (citing Book 5, § 127, available at http://www.sacred-texts.com/hin/m05/m05127.htm) ("Indeed, [you] all reproach me alone and not any other monarch. I, however, do not find the least fault in myself.").

251 Id.

252 Ganguli, supra note 143 (citing Book 5, § 126, available at http://www.sacred-texts.com/hin/m05/m05126.htm). In reality, King Dhritarashtra ordered Duryodhana to give the kingdom back to the Pandavas. Id.

253 Id.

254 Ganguli, supra note 143 (citing Book 5, § 127, available at http://www.sacred-texts.com/hin/m05/m05127.htm) ("O Krishna, though (really) weak, why do the Pandavas yet so cheerfully seek a quarrel with us, as if they were strong? What have we done to them? For what injury . . . do the sons of Pandu . . . seek to slaughter the sons of Dhritarashtra?").

255 Id. Duryodhana said that it was against the Kshatriya dharma to lay down one's weapons out of fear. Id. He quoted the saying of Matanga, "[O]ne should always keep himself erect, and never bow down, for exertion alone is manliness; one should rather break at the knots than bend." Id.

256 Id.


258 Id.

259 Id.

260 Id.

261 Id.

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wise counselors suggested that he seek peace, the only reason he would not choose it was because of his “loss of understanding.”262 And because he would never listen to his friends, he “can[] never attain to what is for [his] benefit.”263

Upon Krishna’s conclusion of his speech, Duryodhana’s wicked brother, Dussasana told his brother that it appears that if Duryodhana did not make peace with the Pandavas, then his counselors and his father would “bind [him hand and foot]” and take him to the Pandavas himself.264 Instantly, Duryodhana left the court. This shows his propensity to listen to the counsel of wicked people since after only one comment, Duryodhana immediately followed the counsel of his brother, but after pages and pages of monologues from wise counselors, Duryodhana still would not listen to those who were concerned with his best interests.

After Duryodhana left the court, Krishna spoke to Dhritarashtra.265 He told the king that he should disregard his son’s wishes and secure peace.266 He asserted that sometimes one has to sacrifice the interests of some for the greater good:

For the sake of a family, an individual may be sacrificed. For a village, a family may be sacrificed. For the sake of a province, a village may be sacrificed. And lastly, for the sake of one’s self, the whole earth may be sacrificed. O monarch, binding Duryodhana fast, make peace with the Pandavas. O bull among Kshatriyas, let not the whole Kshatriya race be slaughtered on thy account.

Dhritarashtra accepted Krishna’s counsel but said that he was too weak to change Duryodhana’s mind.268 He asked his wife, Gandhari, to try to counsel Duryodhana to peace.269 Before Gandhari spoke to Duryodhana, she chastised the king for following his son’s wishes even though he was wicked.270 She did not understand how somebody would use “force” to get

262 Id.
264 Id.
265 Id.
266 Id.
267 Id.
269 Id.
270 Id. (“Indeed, O Dhritarashtra, thou so fond of thy son, art very much to be blamed for this, for knowing will his sinfulness, though followest yet his counsel.”).

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that which could be obtained by “conciliation and gift.” Gandhari then tried to counsel Duryodhana, giving much of the same advice as the others, but Duryodhana would not even listen to his own mother. Instead, Duryodhana consulted with the wicked Sakuni, Karna, and Dussasana, who all resolved to kidnap Lord Krishna and break the morale of the Pandavas. When King Dhritarashtra and others heard of Duryodhana’s crazy plan, they could not believe his stupidity. Krishna, being God, was obviously invincible to any threat Duryodhana could impose upon him. When Duryodhana and his gang tried to kidnap Krishna, Krishna simply laughed, revealed his invincible and unimaginable divine form, and left the court. It was obvious at this time that all hopes for peace were vanquished and war was imminent.

**Krishna Explains His Method of Negotiation**

After Krishna spoke to the Pandavas’ mother, Kunti, who asked Krishna to pass on advice to Yudhishthira, Krishna went back to the Pandavas and explained to them what happened in the court. In a very logical format, Krishna explained to the Pandavas his method of negotiation.

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271 Id.
272 Id. Gandhari said that Duryodhana could only control a kingdom if he controlled his lust and wrath first. Id. It may be easy to obtain a kingdom when one’s senses are not under control, but it is difficult to retain one in the same fashion. Ganguli, supra note 143 (citing Book 5, § 129, available at http://www.sacred-texts.com/hin/m05/m05129.htm). She said, “That king who knoweth well how to conquer lust and wrath and avarice and boastfulness and pride, can own the sovereignty of the whole earth.” Id.
273 Id. Ganguli, supra note 143 (citing Book 5, § 120, available at http://www.sacred-texts.com/hin/m05/m05120.htm).
274 Id.
275 Id.
276 Id. King Dhritarashtra asked his son, “[W]ishest thou to chastise this invincible and irresistible one of eyes like lotus-leaves?” Id. Similarly, Vidura told Duryodhana of all of his Krishna’s godly miracles. Id. He asked him, “Knowest thou not sinless [Krishna], of terrible prowess and incapable of deterioration? … In seeking to use violence towards Krishna, enured with mighty arms and unwearied by exertion, thou wilt, with all thy followers, perish like an insect failing into fire.” Ganguli, supra note 143 (citing Book 5, § 120, available at http://www.sacred-texts.com/hin/m05/m05120.htm).
277 Id.
278 Ganguli, supra note 143 (citing Book 5, § 132-135, available at http://www.sacred-texts.com/hin/m05/m05132.htm; http://www.sacred-texts.com/hin/m05/m05133.htm; http://www.sacred-texts.com/hin/m05/m05134.htm; and http://www.sacred-texts.com/hin/m05/m05135.htm).
279 Ganguli, supra note 143 (citing Book 5, § 150, available at http://www.sacred-texts.com/hin/m05/m05150.htm).
280 Id.

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First, Krishna tried to establish “brotherly feelings” between the Pandavas and Kauravas. Second, “when conciliation failed”, Krishna used “the art of producing dissensions.” In doing so, Krishna mentioned the Pandavas’ prowess. Third, when Duryodhana disregarded this, Krishna tried to produce dissension between all the members of Duryodhana’s court. In this stage, because Krishna criticized the kings, used fear tactics, and admonished Duryodhana for his fraudulent game of dice, he regained “re-course to conciliation.” Fifth, in order to secure peace, Krishna even spoke of a gift. Even after Krishna did all of this, Duryodhana would still not budge from his position. Therefore, Krishna said that war is the only re-course left.

Conclusions Gleaned from the Krishna Settlement Attempt

There are three important points we learn from the Krishna settlement process: (1) When one should seek peace; (2) Advice to Mediators; and (3) Advice to Clients.

When Should One Seek Peace?

Krishna believed that not getting ones needs met was worse than death. Thus, it was one's dharma to make sure their needs were met. He taught that seeking peace with the right intentions was in accordance with dharma, the path of righteousness. While he frowned on seeking peace

280 Id. (“The arts beginning with conciliation were all, O king, employed by me from desire of establishing brotherly feelings (between yourselves and your cousins), for the preservation of this race, and for the growth and prosperity of the (earth’s) population.”).
282 Id.
283 Id.
284 Id.
286 Id. Krishna told the Pandavas that the gift he spoke of in the court was: “[T]he sons of Pandu... will live in dependence on [you]... Let the kingdom be thine. Relinquish but five villages (to the Pandavas).” But, in actuality, Krishna said that the Pandavas would make Duryodhana emperor. Id.
287 Id.
288 Id.
289 Ganguli, supra note 143 (citing Book 5, § 72, available at http://www.sacred-texts.com/hin/m05/m05072.htm).
solely out of fear of war, he accepted peace if it was out of compassion or goodwill to the enemy. Thus, if one was pursuing conciliation under the right pretenses and without sacrificing one’s interests, Krishna thought it was the best first step to take. This is true even if one has been wronged to the point where their sense justice and revenge takes over. If however, one could not satisfy his or her own needs by peaceful negotiation, then one has no other choice but to go to war.

Krishna also believed that peace should be sought, even after its attainment appears impossible, for five reasons. First, if done to the best of his or her ability, one receives the merit of even a failed act. Second, it is the duty of a friend to try and seek peace between kinsmen. Third, in trying to secure peace, one escapes the blame of the world for not attempting to do so. Fourth, one satisfies his or her own conscience in knowing that he or she tried to seek peace. Lastly, even if peace appears impossible to secure, it does not mean that it will not be secured. Krishna believed that nobody can ever truly know what the consequences of their action will be, even after rational and expert deliberation. He believed in his equation, Human Exertion + Providence = Success. As long as somebody diligently does his or her duty, and if providence wants the action to be successful, it will be.

Thus, according to The Mahabharata, one should always attempt to secure one’s needs first by diligent peaceful negotiation, but if it fails, one should fearlessly try to secure one’s needs by war.

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292 Ganguli, supra note 143 (citing Book 5, § 72, available at http://www.sacred-texts.com/hin/m05/m05072.htm).
293 Ganguli, supra note 143 (citing Book 5, § 81, available at http://www.sacred-texts.com/hin/m05/m05081.htm).
295 Ganguli, supra note 143 (citing Book 5, § 93, available at http://www.sacred-texts.com/hin/m05/m05093.htm).
296 Id.
297 Id.
298 Ganguli, supra note 143 (citing Book 5, § 72, 93, available at http://www.sacred-texts.com/hin/m05/m05072.htm and http://www.sacred-texts.com/hin/m05/m05093.htm).
299 Ganguli, supra note 143 (citing Book 5, § 93, available at http://www.sacred-texts.com/hin/m05/m05093.htm).
300 Ganguli, supra note 143 (citing Book 5, § 77, available at http://www.sacred-texts.com/hin/m05/m05077.htm).
301 Id.
Advice to Mediators

We learn four things from the *Mahabharata* regarding mediators: first, a mediator’s ideal qualities; second, certain guiding principles a mediator should follow; third, a mediator’s game plan; and fourth, a mediator’s method of communication.

Regarding one’s qualities, a mediator ought to be both neutral and competent. In order to not subjugate one’s neutrality, a mediator should not accept gifts or bribes from a party until after the success of his or her mission.

The *Mahabharata* indicates three guiding principles mediators should follow in order to better secure peace. First, they are to use kind words. Second, they should try to have a difficult party’s counsel agree with them that peace is the best option. Third, they need to be flexible and act depending on the circumstances. If a party’s circumstances change, so should the mediator’s method of securing peace.

Krishna elucidated what his mediation game plan was. He tried to establish brotherly feelings between the parties. When that failed, he attempted to produce dissensions by instilling fear in the party. After such comments went unheeded, he tried to produce dissensions within the party so that he again had recourse to mediation. Finally, in order to give an incentive to peace, he offered a gift.

In sum, Krishna’s mediation attempts with Duryodhana and Dhritarashtra give advice on how one should communicate to a party. Like Krishna, a

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303 Ganguli, supra note 143 (citing Book 5, §§ 85, 87, 91, available at http://www.sacred-texts.com/hin/m05/m05085; http://www.sacred-texts.com/hin/m05/m05087.htm; and http://www.sacred-texts.com/hin/m05/m05091.htm).
304 Ganguli, supra note 143 (citing Book 5, § 74, available at http://www.sacred-texts.com/hin/m05/m05074.htm).
305 Id.
307 Id.
308 Ganguli, supra note 143 (citing Book 5, § 150, available at http://www.sacred-texts.com/hin/m05/m05150.htm).
309 Id.
310 Id.
311 Id.
mediator should state the purpose for his or her communication: peace.\footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).} Then, the mediator should remind the party what their dharma is,\footnote{Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).} and that seeking peace is in accordance with dharma and the path of virtue, profit and desire.\footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).} Finally, the mediator should communicate that it is wrong to do adharma.\footnote{See Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).} In doing so, the mediator should let the party know that they have the power to stop adharma and to continue the path of dharma.\footnote{Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).} Let the party know all the benefits of following their dharma,\footnote{See Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).} and all of the dangers in following adharma.\footnote{See Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).} In order to not put too much pressure on the party, the mediator should point out that peace depends on the dharma of both parties.\footnote{See id.} If applicable, the mediator should point out that the other side is doing their dharma, so it is only fair for this party to do their duty as well.\footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).} In order to get some further leverage for attaining peace, the mediator should approach the party’s counselors and let them know that it is their duty to solve this dispute peacefully first.\footnote{Id.} Additionally, the mediator should inform each party that the other side is not scared but wants peace because it is the right thing to do.\footnote{Id.} Finally, in a last ditch effort to secure peace, there are a few different measures that can be taken. The mediator can suggest that if the parties do their duty and pursue peace, they will receive a concession.\footnote{Ganguli, supra note 143 (citing Book 5, §§ 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm).} If that does not work and the party thinks that they are not in the wrong, it is okay for the mediator to disagree with the party’s position.\footnote{Ganguli, supra note 143 (citing Book 5, §§ 127-28, available at http://www.sacred-texts.com/hin/m05/m05127.htm and http://www.sacred-texts.com/hin/m05/m05128.htm).} If the party is still not up for peace, the mediator can counsel

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\item \footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).}
\item \footnote{Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).}
\item \footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).}
\item \footnote{See Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).}
\item \footnote{Ganguli, supra note 143 (citing Book 5, §§ 95, 124, available at http://www.sacred-texts.com/hin/m05/m05095.htm and http://www.sacred-texts.com/hin/m05/m05124.htm).}
\item \footnote{See id.}
\item \footnote{Ganguli, supra note 143 (citing Book 5, § 95, available at http://www.sacred-texts.com/hin/m05/m05095.htm).}
\item \footnote{Id.}
\item \footnote{Id.}
\item \footnote{Ganguli, supra note 143 (citing Book 5, § 124, available at http://www.sacred-texts.com/hin/m05/m05124.htm).}
\item \footnote{Ganguli, supra note 143 (citing Book 5, §§ 127-28, available at http://www.sacred-texts.com/hin/m05/m05127.htm and http://www.sacred-texts.com/hin/m05/m05128.htm).}
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that in order to secure peace, sometimes it is necessary to sacrifice the needs of a few for the greater good of the many.\textsuperscript{325}

Advice to Clients

Other than "one ought to do their dharma," there are a few specific points that the \textit{Mahabharata} suggests to a client. A client should not try to pay off a mediator in order to subjugate their neutrality.\textsuperscript{326} Moreover, it is inappropriate for a client to have stubborn or vain characteristics, because such qualities only thwart the peace process.\textsuperscript{327}

\textbf{PART IV: THE BHAGAVAD GITA: A MESSAGE TO FIGHT THE BATTLE}

There were many preparations for the war but finally the first day of the \textit{Mahabharata} between the Pandavas and the Kauravas ensued. Arjuna, who was hands down the most valiant Bowman and most formidable opponent in the war, asked Krishna, who was acting as Arjuna’s charioteer, to take him to the center of the battlefield so that he could see the faces of all those he had to fight.\textsuperscript{328} Krishna doing so, “Arjuna saw his uncles, grandfathers, teachers, maternal uncles, brothers, sons, grandsons, and other comrades in the army,”\textsuperscript{329} He immediately felt compassion in his heart and sorrow, and thought it was no use to kill his own kinsmen.\textsuperscript{330} Arjuna told Krishna that he no longer wanted a kingdom, victory, or pleasure “[b]ecause all those—for whom we desire kingdom, enjoyments, and pleasures—are standing here for the battle, giving up their lives.”\textsuperscript{331} Arjuna continued with his dilemma, saying that he will “incur sin only” after killing the Kauravas.\textsuperscript{332} He also thought that if the Pandavas killed the wicked Kauravas, they would be

\textsuperscript{325} Ganguli, \textit{supra} note 143 (citing Book 5, § 128, \textit{available at} http://www.sacred-texts.com/hin/m05/m05128.htm).
\textsuperscript{326} See Ganguli, \textit{supra} note 143 (citing Book 5, § 87, \textit{available at} http://www.sacred-texts.com/hin/m05/m05087.htm).
\textsuperscript{327} See Ganguli, \textit{supra} note 143 (citing Book 5, § 124, \textit{available at} http://www.sacred-texts.com/hin/m05/m05124.htm).
\textsuperscript{328} \textit{Gita Introduction}, \textit{http://www.gita-society.com/section1/1_gita700verses.htm} (citing verses 1.20-22).
\textsuperscript{329} \textit{id.} (citing verse 1.26).
\textsuperscript{330} \textit{id.} (citing verses 1.27-31).
\textsuperscript{331} \textit{id.} (citing verses 1.32-33).
\textsuperscript{332} \textit{id.} (citing verse 1.36).
stooping to their level and be just as sinful as they are. Arjuna could not take this strife anymore and sat down in his chariot with his face in his hands.

It does not take much of a mental leap to analogize Arjuna’s feelings with what many lawyers feel in the courtroom. A district attorney might be charging someone with the death penalty. At the other end of the courtroom, a criminal defense attorney might be defending a cold-blooded murderer. Both of these public servants might be in a similar situation to Arjuna. They all have duties that they wish they did not have to do, and they are wishing that things were different.

Krishna was not happy with Arjuna’s behavior. He thought that Arjuna was being a “coward,” and instructed him: “Shake off this trivial weakness of your heart and get up for the battle.” Still, Arjuna continued to talk against the war but he realized that he was deluded. “My senses are overcome by the weakness of pity, and my mind is confused about duty (Dharma). Please tell me what is better for me,” Arjuna said.

Krishna’s response to Arjuna’s dilemma was what is known as the Bhagavad Gita. In it, among other things, Krishna gave advice to Arjuna that is as well-meant for the lawyers of today as it was for the warriors of five thousand years ago.

Essentially, Krishna’s advice to Arjuna was to have no fear and get up and do his duty. Krishna started off by having a metaphysical discourse on the nature of life. He said that one should not grieve for the living or the dead because the eternal Spirit is within all of us and it is indestructible.

333 Id. (citing verses 1.38-39) (“Though they are blinded by greed, and do not see evil in the destruction of the family, or sin in being treacherous to friends. Why should not we, who clearly see evil in the destruction of the family, think about turning away from this sin, O Krishna?). Further, Arjuna thinks that he will be committing a grave sin just for the greed of a kingdom. Gita Introduction, supra note 328 (citing verse 1.45). He would rather have his cousins kill him while he was unarmed than do that. Id. (citing verse 1.46).

334 Gita Introduction, supra note 328 (citing verse 1.47).

335 Id. (citing verse 2.02).

336 Id. (citing verse 2.03).

337 See id. (citing verses 2.04-10).

338 Id. (citing verse 2.07).

339 See id. (citing verse 2.11) (“You grieve for those who are not worthy of grief, and yet speak words of wisdom. The wise grieves neither for the living nor for the dead.”); see also id. (citing verse 2.14) (“O Arjuna, the Spirit that dwells in the body of all beings is eternally indestructible. Therefore, you should not mourn for anybody.”). Krishna explains to Arjuna that the people Arjuna is going to kill have always existed and will always exist because the indestructible soul “acquires another body after death.” See Gita Introduction, supra note 328 (citing verses 2.12-13). See also id. (citing verse 2.17) (“The Spirit by whom this entire universe is pervaded is indestructible. No one can destroy the imperishable Spirit.”). The Spirit is neither born nor does it die at any time. It does not come into being or cease to exist. It is unborn, eternal, permanent, and primeval. The Spirit is not destroyed when the body is destroyed. Id. (citing verse 2.20). The Spirit is said to be unexplain-
He knew that Arjuna was really grieving for his family members’ physical bodies, but he told Arjuna that the individual Spirit acquires a new body when its old body has perished.\textsuperscript{340} Krishna knew the reason for Arjuna’s melancholy was because his “contacts of [his] senses with the sense objects give rise to the feelings of pleasure and pain.”\textsuperscript{341} He suggested to Arjuna to be “calm” and endure these feelings because one who does so is “fit for salvation.”\textsuperscript{342} Thus, Arjuna should do his duty as a warrior.\textsuperscript{343}

In addition to the metaphysical aspect, Krishna gave Arjuna more reasons for not wavering and doing his duty as a warrior. First, he told Arjuna that “there is nothing more auspicious for a warrior than a righteous war.”\textsuperscript{344} Second, if Arjuna failed in doing his duty, he would “incur sin” and “lose his reputation,” which is worse than death.\textsuperscript{345} Third, as a leader, Arjuna should do his duty selflessly so that he can set an example for everybody else.\textsuperscript{346}

Krishna not only explained why Arjuna should do his duty, but how he should do it as well. As instructed before in the Mahabharata, Krishna told Arjuna that he should do his duty to the best of his ability “abandoning worry and selfish attachment to the results, and remaining calm in both success and failure.”\textsuperscript{347}

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\item[340] See Gita Introduction, supra note 328 (citing verse 2.14) (“The contacts of the senses with the sense objects give rise to the feelings of heat and cold, and pain and pleasure. They are transitory and impermanent.”).
\item[341] Id. (citing verse 2.15).
\item[342] Id.
\item[343] Id.
\item[344] Id. (citing verse 2.31).
\item[345] Id. (citing verse 2.33) (“If you will not fight this righteous war, then you will fail in your duty, lose your reputation, and incur sin.”). \textit{See also} Gita Introduction, supra note 328 (citing verse 2.34) (“People will talk about your disgrace forever. To the honored, dishonor is worse than death.”); id. (citing verse 2.35) (“The great warriors will think that you have retreated from the battle out of fear. Those who have greatly esteemed you will lose respect for you.”); id. (citing verse 2.36) (“Your enemies will speak many unmentionable words and scorn your ability. What could be more painful to you than this?”).
\item[346] Gita Introduction, supra note 328 (citing verse 3.20). Krishna told Arjuna that he should do his duty “with a view to guide people, and for the welfare of the society.” Id. Krishna explained that, “[W]hatever noble persons do, others follow. Whatever standard they set up, the world follows.” Id. (citing verse 3.21). Krishna said that as God, there is nothing in the world that he needs to obtain, but in order to set an example for others, he continues to do his duty. Id. (citing verses 3.22-24). It is the duty of the wise to set an example to the ignorant of how to work selflessly. \textit{See id} (citing verse 3.29). It is not their duty to preach to them how to work. Id. (citing verse 3.25).
\item[347] Gita Introduction, supra note 328 (citing verse 2.47) (“The fruits of work should not be your motive, and you should never be inactive.”). \textit{See also id.} (citing verse 2.48) (“Do your duty to the best ability, incomprehensible, and unchanging. Knowing the Spirit as such you should not grieve. Id. (citing verse 2.25).
\end{footnotes}
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**Bhagavad Gita: Advice to Lawyers**

Arjuna’s state of mind was similar to that which lawyers may experience at any given point in their careers. Through the Bhagavad Gita, Krishna taught that a warrior, or today—a lawyer—should fearlessly do their duty to the best of their ability. They should not feel badly for whom they are representing or whom they are fighting because the spirit within all of us is the same and is indestructible. Instead, a successful attorney should remain calm in doing their duty and should not worry about their fruits of their actions. Doing their duty correctly, they will develop peace of mind.

**PART V: BHAGAVAD GITA: MESSAGE TO FIGHT FOR INNER PEACE**

Up until this point, this paper has discussed what the Hindu perspective of dispute resolution has been. Essentially, it is the belief that one should strive to get their needs met peacefully to the best of their ability; but if that fails, then one should strive to get his or her needs met through war to the best of his or her ability. However, there is another layer of dispute resolution that is taught through the Bhagavad Gita and the *Mahabharata*: the layer of internal dispute resolution within each individual. The Gita is thought to be a universal teaching, which provides the mechanism to overcome physical, mental, and emotional stress and attain inner peace.348 Eastern philosophers believe that the Gita does not enable one to “achieve” inner peace.349 Rather, inner peace is our natural state, but due to all the mental noise and inner conflicts, we are unable to enjoy our natural state of inner peace.350

In order to better understand this layer of internal dispute resolution, the symbolic meaning of the *Mahabharata* must be explained.

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348 Sakthi Gita: A spiritual understanding and not religious, http://www.sakthifoundation.org/gita-index.html. Mental stress is thought to be the root of all disease, and so the Gita is used as a tool to learn how to kill mental stress, and thus kill all disease as well. *Id.*
349 *Id.*
350 *Id.*
Mahabharata’s Symbolism for Internal Dispute Resolution

As one remembers, the Mahabharata is about the blind king Dhritarashtra, who can be symbolized as the blind mind, and his eldest son Duryodana, who can be symbolized as the ego. Although Dhritarashtra was the eldest born son, he had to give his kingdom to his brother, Pandu, because Dhritarashtra was blind. Pandu and his five children, the Pandavas, are the symbol of wisdom. Because Pandu died when his sons were young, the blind king Dhritarashtra could rule the kingdom until the Pandavas were of age. This signifies that the blind mind is not allowed to rule the kingdom because of the inherent wisdom within each of us. It also shows that the blind mind is allowed to temporarily rule the kingdom during our youth, until our wisdom is strong enough to take over and rule it. However, because the blind mind (Dhritarashtra) and the ego (Duryodhana) have already tasted control, they do not want to relinquish it. This sets the stage for conflict between the wicked Kauravas and the virtuous Pandavas, and the opportunity for Krishna to bring peace to the kingdom.

Further Symbolism of the Kauravas

Duryodhana, the ego is the prime cause of everybody’s internal conflict. It is what prevents us from experiencing our natural state of peace. The ego is powerful and “wants everything to happen according to its likes and dislikes.” Symbolically, the ego is an attitude born from the blind mind, King Dhritarashtra. The mind is blind because it is “just a flow of thoughts,” and depends on its senses, “to know what is happening inside and outside of the body.” The king’s wife was Gandhari, who out of love for her husband, tied a bandage around her eyes, so that she too

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352 Id.
353 Id.
354 Id.
355 Id.
356 Id.
357 Id.
358 Sakthi Gita: Mahabharata and Gita, supra note 351.
359 Id.
360 Id.
361 Id.
362 Id.
could be blind with him.\textsuperscript{363} This signifies how the blind intellect follows the blind mind.\textsuperscript{364} Together, the blind intellect and the blind mind breed a hundred “propensities, desires, thoughts, ambitions, expectations and dreams,” which are symbolically Dhritarashtra’s hundred sons.\textsuperscript{365} The main, or eldest, thought was Durvodhana, the “I thought, the Ego thought.”\textsuperscript{366} Because the mind cannot think without having the ego thought, the mind is blindly attached to the ego.\textsuperscript{367} Thus, knowing that the blind mind is dependent on the ego, the ego “makes the mind its puppet.”\textsuperscript{368} Instead of the son obeying the king, the king is obeying the son.\textsuperscript{369} Ultimately, the result is that the ego does not care about anything except its own desires.\textsuperscript{370} This leads to the king not taking care of the kingdom (body), which leads to internal conflict.\textsuperscript{371}

This internal conflict can lead to damaging experiences such as bad health, regretful deeds, or shameful acts.\textsuperscript{372} But whenever a damaging experience like this occurs, the intellect alerts us.\textsuperscript{373} “The intellect is like a wise minister or counselor who is concerned about the welfare of the people and of the king.”\textsuperscript{374} The intellect will inform the mind that the ego is not making correct choices.\textsuperscript{375}

Further Symbolism of the Pandavas

The five Pandavas were each virtuous because they are born of Pandu, who is symbolic of wisdom.\textsuperscript{376} Yudhishthira was the first son, whose name means “undisturbed in battle.”\textsuperscript{377} He is represented by the throat chakra within us.\textsuperscript{378} He is a symbol of peace and thus, “[p]eace should be the ruler of us.”\textsuperscript{379}

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\textsuperscript{363} Sakthi Gita: Symbolism of Mahabharata. www.sakthifoundation.org/maha.htm. \\
\textsuperscript{364} Id. \\
\textsuperscript{365} Id. \\
\textsuperscript{366} Sakthi Gita: Our Inner Conflict, supra note 349.
\textsuperscript{367} Id. \\
\textsuperscript{368} Id. \\
\textsuperscript{369} Id. \\
\textsuperscript{370} Id. \\
\textsuperscript{371} Id. \\
\textsuperscript{373} Id. \\
\textsuperscript{374} Id. \\
\textsuperscript{375} Id. \\
\textsuperscript{376} Sakthi Gita: Symbolism of Mahabharata, supra note 363. \\
\textsuperscript{377} Id. \\
\textsuperscript{378} Id. \\
\textsuperscript{379} Id. \\
362
\end{flushleft}
Bhima was the second son, who is all powerful. He killed ninety-nine of the Kauravas. He represents the breath or life force, which brings “awareness of oneness,” and drowns ignorance “in the purity of love.” Bhima is represented by the heart chakra.

Arjuna was the third son and “represents the liberating thoughts in us and brings peace.” He also represents the “enquiring mind,” which “burns like fire and destroys the darkness of ignorance.” Krishna taught Arjuna the Bhagavad Gita because Arjuna represents the fire element, and this fire “needs to be given direction” in order to destroy ignorance.

The twin brothers Nakula and Sahadeva are not as important as the other Pandavas, but their characters are symbolic as well. Nakula represents the water element and the desire to reproduce. “This sexual energy should be directed for our higher evolution towards peace.” Sahadeva represents the earth element, which is the foundation of enquiry, and “drives us to seek wisdom.”

Further Symbolism of Krishna

Arjuna sought Krishna when he has his own internal struggle. Krishna is symbolic of the pure Consciousness within each one of us who can shine light on our struggles, burn out the ignorance, and give us peace.

Knowing these characters within us sets the stage of knowing how one can always have inner peace:

When the mind (king) rules the kingdom (body) sticking to law and the advice of the ministers without the selfish attitude of pleasing his son, the Ego, there would be peace in the Kingdom. A king (mind) who rules with his own inner strength and not being a puppet in the hands of his Egoistic son, would bring peaceful reign.
Thus, the Gita is a guide that allows us to liberate the mind from the imprisoning ego, \(^{391}\) "regain our inner strength" and also know "our real nature which is not this body, this mind, the intellect or this ego."\(^{392}\) Rather, "our true nature is one and the same but called in different names in different traditions — Soul, Spirit, Atma, God, Consciousness, Peace, Being, Reality etc."\(^{393}\) Knowing this to be the goal of the Gita, Krishna’s discourse with Arjuna will be thoroughly analyzed to see how one can attain inner peace.

The Bhagavad Gita is seven hundred verses in length. Its organization is a bit convoluted and one seems to learn something new each time it is read. In order to make it less complicated, its main points will be explained in an order that is not found in the original, but may be more logical to the reader.

Essentially, Krishna told Arjuna that He is the Supreme Spirit.\(^{394}\) Everything that has been created contains his nature.\(^{395}\) Krishna’s nature is twofold: his higher nature is the Supreme Spirit and his lower nature is the material nature.\(^{396}\) Because Krishna created us, we also contain both the Supreme Spirit and the material nature.\(^{397}\) The material nature is what degrades human beings and keeps them from knowing their true nature, which is the Supreme Spirit.\(^{398}\) The material nature comes in three forms: the modes of goodness, passion, and ignorance.\(^{399}\) Of the three, the mode of goodness is the best and the mode of ignorance is the worst.\(^{400}\) It is important to transcend these material modes of nature so that one can ultimately know the Supreme Spirit because this is the source "of everlasting cosmic order," or dharma.\(^{401}\) Accordingly, when everybody knows his or her dharma, not only will there be everlasting inner peace, but also everlasting world peace.

It is thus crucial for one’s well-being and for world peace that everybody knows how to reach this source within us. Krishna explains to Arjuna that there is a twofold path to attaining this source: the path of unselfish work and the path of self-knowledge.\(^{402}\)

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392 Sakthi Gita: Ego – The Villain, supra note 372.
393 Id.
394 Gita Introduction, supra note 328 (citing verses 7.04-07).
395 Id. (citing verses 7.08-11; 10.02-42; 13.12-18).
396 Id. (citing verses 7.04-07).
397 Id. (citing verses 10.11; 10.20; 13.22; 13.24; 13.31; 13.32; 13.33).
398 Id. (citing verses 7.13; 13.19-20; 13.21).
399 See, e.g., id. (citing verses 7.12).
400 Gita Introduction, supra note 328 (citing verses 14.06-14.18).
401 Id. (citing verses 14.27).
402 Arjuna was confused because at one point Krishna told him to seek the path of karma yoga, but at another point, he told Arjuna to seek transcendental knowledge. Id. (citing verses 3.01-02, 5.01). He was not sure as to which path to follow. Krishna said that nobody can achieve self-realization by 364
The Path of Unselfish Work

The path of unselfish work, which is known as karma yoga, "the yoga of action," is basically the path of the doer. In order for there to be everlasting cosmic order and inner peace, one cannot do so by just being idle. Rather, one must do so by doing his or her dharma. Krishna asked Arjuna to do his dharma selflessly without thinking about the fruits of his labor. Additionally, he said that Arjuna should do his natural duty rather than his unnatural duty.

While being a Karma-yogi there are seven maxims that one should follow. First, one should have the right attitude when they are working. Second, one should have the right motive behind one's work. Third, one should do one's duty. Fourth one should do one's best. Fifth, one should give up the results of one's work to God. Sixth one should work in order to serve God and others. And finally, one should be disciplined in one's work so that he or she can learn all that is possible from what he or she is doing.

not doing work. Id. (citing verses 3.04-05). Working is a lot better than just being idle. Id. (citing verse 3.08). Importantly, Krishna told Arjuna that both paths are required for salvation: "Work does not bind a person who has renounced work by renouncing the fruits of work through Karma-yoga, and whose confusion with regard to body and Spirit is completely destroyed by the application of Self-knowledge, O Arjuna. Therefore, cut the ignorance-born confusion with regard to body and Spirit by the sword of Self-knowledge, resort to Karma-yoga, and get up for the war, O Arjuna." Id. (citing verses 4.41-42). Although Krishna said that the path of selfless service is superior to the path of transcendental knowledge, he only said so because it is easier to follow. Gita Introduction, supra note 328 (citing verse 5.02). Krishna thought that the people of real wisdom follow both paths: "The ignorant — not the wise — consider the path of Self-knowledge and the path of selfless service (Karma-yoga) as different from each other. The person, who has truly mastered one, gets the benefits of both." Id. (citing verse 5.04).


Some Hindus believe that if one does their work without thinking about the fruits of their labor and by offering up their work to God, they are "sublimat[ing] the ego." Id. To further aid in this process, one should chant a mantra while working. Id.


Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

The Path of Self-Knowledge

The path of self-knowledge is the path of the knower. Without pursuing the path of self-knowledge, that path of the doer would not know what to do. This is how most people in today’s world live: they don’t know what to do with their lives. For example, they might be in law school, but they might not know what they want to do in law school. Or they might be lawyers, but they might not know what kind of law they want to do. If they do know what kind of law they want to do, they might not know whether they should pursue a cause of action, settle the case, or just have the case dismissed. The bottom line is that there is always a time where people do not really know what they are supposed to be doing.

Krishna believes that this is because humans have not developed the path of self-knowledge. The path of self-knowledge is important to develop because it gives the “doer” the right thing to do, which is dharma. When one knows their dharma, not only are they at peace, but they are contributing to the cosmic world order as well.

The difficult question is: how does one acquire the self-knowledge in order to know their dharma? Krishna gave many answers,413 the most interesting of which are the path of yoga, the path of meditation, the path of instruction, and the path of health.

Acquiring Self-Knowledge Through the Path of Yoga

“Yoga,” which means “joining,” has the goal of “[reuniting] the individual self (Jiva) with the absolute or pure consciousness.”414 Most Westerners think that yoga only involves a stretching exercise, but that is only one aspect of yoga.415 In fact, Eastern philosophers teach that yoga involves five points: (1) Proper Exercise, (2) Proper Breathing, (3) Proper Relaxation, (4) Proper Diet, and (5) Meditation.

413 Krishna says that one acquire self knowledge by worshipping gods, studying scriptures, giving charity, or fasting. Gita Introduction, supra note 328 (citing verses 4.32).
414 All Ayurveda, Curative Yoga, http://www.allayurveda.com/cyoga.htm. See also International Sivananda Yoga Vedanta Centres, What is Yoga?, http://www.sivananda.org/teachings/yoga.html (“Yoga refers to a certain state of consciousness as well as to methods that help one reach that goal or state of union with the divine.”).
Proper Exercise

Proper exercise is necessary for our bodies. Proper exercise has been defined as that which is “pleasant to the practitioner while beneficial to the body, mind and spiritual life.” This is what the physical yoga exercises seek to do. The yoga stretches are intended to build strength and flexibility of the spine because the spine contains the nervous system, which is “the telegraphic system of the body.” Yoga is also known to benefit the endocrine system as well as other internal organs.

Proper Breathing

Yoga is heavily centered around developing proper breathing, known as pranayama. Proper breathing is required to “increase[] vitality and mental clarity.” Symbolically speaking, the Pandava, Bhima, represents the pranayama element. He was the brother who killed all the Kauravas. This goes to show that when one has developed the breath, one can destroy the ego and all its desire, and experience full Consciousness.

Yogis believe that most of the population is not experiencing the full benefits of breathing because they are breathing incorrectly. Most people take shallow breaths and breathe in a way where “maximum effort is made, but a minimum amount of air is obtained.” The ideal way to breathe is by learning a combination of clavicular, thoracic, and deep abdominal breathing, which would lead to full Yogic breathing. When one develops such a breath, they can access the prana, “or subtle energy of the vital breath,” which leads to quieting the mind.

See generally id.

416 See id.
417 See id.
419 Id.
421 International Sivananda Yoga Vedanta Centres, 5 Points Yoga, supra note 415.
422 All Ayurveda, Curative Yoga, supra note 414. See also International Sivananda Yoga Vedanta Centres, Proper Breathing, http://www.sivananda.org/teachings/pranayama/breathing.html (“Control of the Prana leads to control of the mind.”).
423 Id.
424 International Sivananda Yoga Vedanta Centres: Proper Breathing, supra note 422.
425 Id.
426 See generally id.
427 Id.
367
Proper Relaxation

Proper Relaxation is necessary to cope with all of the modern day stress inducing mechanisms, such as traffic and hard-to-meet deadlines.\(^{427}\) Proper relaxation allows one to “rejuvenate [his or her] nervous system and attain a deep sense of inner peace.”\(^{428}\) Some yogis believe that most people are relaxing in the wrong ways.\(^{429}\) They believe that perfect relaxation involves the combination of physical, mental, and spiritual relaxation, and that one has not totally relaxed unless he or she has reached the stage of spiritual relaxation.\(^{430}\)

Proper Diet

The proponents of the principles of yoga believe that food affects your physical, emotional, mental, and spiritual well-being.\(^{431}\) Thus, it is important to watch what one eats. Many yogic philosophers believe that a strict vegetarian diet is the only way to have a proper diet,\(^{432}\) but that belief is not universally held.\(^{433}\)

\(^{427}\) International Sivananda Yoga Vedanta Centres: 5 Points Yoga, supra note 415.

\(^{428}\) Id.


\(^{430}\) Id. The physical relaxation pose that is recommended is the “Savasan,” or the “Corpse Pose,” which is the final pose that most yoga classes end with. \(\text{Id.}\) In order to relax the mind, some recommend “to breathe slowly and rhythmically for a few minutes.” \(\text{Id.}\) In order to relax spiritually, which is the only way to remove “worries, sorrows, anxieties, fear, and anger” one must identify with the pure consciousness that is within them. \(\text{Id.}\)

\(^{431}\) See International Sivananda Yoga Vedanta Centres, 5 Points Yoga, supra note 415.

\(^{432}\) See id. There is a belief that the Sun provides all the energy for life. International Sivananda Yoga Vedanta Centres, [Proper Diet, http://www.sivananda.org/teachings/diet/diet.html. The sun nourishes the plants, which are eaten by vegetarian animals, which are then eaten by carnivorous animals. \(\text{Id.}\) These yogis believe that eating vegetables is a first hand source of the sun’s nutrition whereas eating meat is a secondhand source of such nutrition. \(\text{Id.}\) Thus, they believe that a vegetarian diet is more beneficial to the body. \(\text{Id.}\) This “Yogic Diet” not only frowns on eating meat, but also on any food that is “overly stimulating, preferring those which render the mind calm and the intellect sharp.” \(\text{Id.}\) Thus, the one who is truly doing a yogic diet would avoid “ingesting meats, fish, eggs, onion, garlic, coffee, tea (except herbal), alcohol and drugs.” \(\text{Id.}\) See also Wikipedia, http://en.wikipedia.org/wiki/International_Society_for_Krishna_Consciousness (saying that Hare Krishnas are prohibited from taking meat, fish, eggs, alcohol, caffeine, and tobacco).

\(^{433}\) See The Ayurvedic Institute, Food Guidelines for Basic Constitutional Types, http://www.ayurveda.com/online%20resource/food_guidelines.pdf (allowing for certain types of meats, eggs, fish, caffeine and alcohol depending on what one’s body constitution is).
Meditation

Yogic philosophers believe that meditation will bring the mind under perfect control, which will lead the practitioner to see his or her Higher Self:434 “When the surface of a lake is still, one can see the bottom very clearly. This is impossible when the surface is agitated by waves. In the same way, when the mind is still, with no thoughts or desires, you can see the ‘Self’. This is called ‘Yoga.’”435 In addition to seeing the Self, meditation’s goal is also to “entertain positive and creative thoughts as these will contribute to vibrant health and a peaceful, joyful mind.”436 And, if practiced diligently, meditation will lead a state of perfect concentration, which if focused on one’s Higher Being, will lead to a “state of lasting happiness and absolute peace.”437

In the Bhagavad Gita, Krishna teaches a meditation technique.438 He suggests that one should “fix the eyes and the mind at an imaginary black dot between the eye brows, equalizing the breath moving through the nostrils by using yogic techniques, keeping the senses, mind and intellect under control, having salvation as the prime goal, and by becoming free from lust, anger and fear.”439 Further, He says that when doing meditation, one should sit on a seat that is not too high or not too low.440 Also, one should sit holding his or her “waist, spine, chest, neck, and head erect. . .”441 Finally, he

434 International Sivananda Yoga Vedanta Centres, 5 Points Yoga, supra note 415.
436 International Sivananda Yoga Vedanta Centres, 5 Points Yoga, supra note 415.
437 International Sivananda Yoga Vedanta Centres, Meditation, supra note 435.
438 Gita Introduction, supra note 328 (citing verse 5.27). But see A.C. BHAKTIVEDANTA SWAMI PRABHUPADA, BHAGAVAD GITA AS IT IS 304-05 (Bhaktivedanta Book Trust 1989). Swami Prabhupada, founder of the Krishna Consciousness Movement, thinks that it is impossible for one to do such diligent meditation in today’s day and age. Id. at 304. Instead, he recommends that the quickest and easiest way one can get to the source is by chanting the “Hare Krishna” mantra, which is: Hare Krishna Hare Krishna, Krishna Krishna, Hare Hare. Hare Rama Hare Rama, Rama Rama, Hare Rama. Id. at 305.
439 Gita Introduction, supra note 328 (citing verses 5.27-28). Some suggest that intellectual people should place their attention in between the eyebrows whereas more emotional people should place their attention on the heart. International Sivananda Yoga Vedanta Centres, Meditation, supra note 435.
440 Gita Introduction, supra note 328 (citing verses 6.11-12). There is also suggestions from other sources indicating that one should meditate early in the morning in order to take advantage of the special spiritual forces alive during that time. International Sivananda Yoga Vedanta Centres, Meditation, supra note 435. Additionally one should face north or east in order to take advantage of “favorable magnetic vibrations.” Id.
441 Gita Introduction, supra note 328 (citing verses 6.13-14).
says that one cannot get the benefits of meditation if they eat or sleep too much or too little.\textsuperscript{442}

\textit{Acquiring Self-Knowledge Through the Path of Bhakti Yoga}

Bhakthi Yoga is a path that can be done along with the traditional yoga path. It is known as the path of devotion or divine love for God.\textsuperscript{443} It is a path of “endless surrender” to something greater than ourselves.\textsuperscript{444} It is the path of the heart where one “transmutes” his or her emotions into “unconditional love or devotion” for God.\textsuperscript{445} Chanting God’s name, which is also known as Kirtan, is a huge part of Bhakti Yoga.\textsuperscript{446} Kirtan artists believe that the voice connects to the heart, which when sings the praise and name of the divine, connects to the divine.\textsuperscript{447}

\textit{Acquiring Self-Knowledge Through the Path of Jnana Yoga}

Jnana Yoga can also be alongside the traditional yogic path. Some consider it to be the most difficult path requiring a strong will.\textsuperscript{448} It involves a process whereby the “jnani,” dismisses all thoughts that do not lead to the soul.\textsuperscript{449} This is done through a meditation called, “neti-neti,” which means, “not this, not this.”\textsuperscript{440} Essentially, whenever a thought or feeling arises within the practitioner’s mind that is not the soul or does not lead to the soul, the practitioner says, “not this,” and waits for another thought to arise.\textsuperscript{451} The practitioner does this patiently until he or she reaches the soul.\textsuperscript{452}

\textsuperscript{442} Id. (citing verse 6.16).
\textsuperscript{445} International Sivananda Yoga Vedanta Centres, \textit{Bhakti Yoga}, supra note 443.
\textsuperscript{446} Id.
\textsuperscript{447} See Kirtan with Govindas, supra note 444.
\textsuperscript{450} Id., http://www.yogaworld.org/jnana2.htm.
\textsuperscript{451} Id.
\textsuperscript{452} Id.
There are many other yogas\textsuperscript{453} and paths\textsuperscript{454} that lead to the source in addition to the ones mentioned. This illustrates the unique belief in Hinduism that different people are in different places of their spiritual development. Thus, Hinduism recognizes that there are different paths available to each person so that he or she can pick the one that fits best. Whatever path is the chosen, the end goal is the same: to reach the source, Krishna, Jesus, Allah, God, the Spirit, the soul, our higher self—whatever one wants to call it.

In sum, the Bhagavad Gita and the Mahabharata teach that not only is there a great war in the outside world, but there is a great war within each one of us as well. In order to create a cosmic order, one has to resolve the internal dispute first. One can do so by practicing the twofold path of selfless duty and transcendental knowledge. When both of these are cultivated, not only does one know what their dharma is, he or she is diligently and selflessly doing it as well. With this combination, not only is there inner peace, but there is a contribution to outer world order and peace as well.

To speak of it in symbolic terms, we are all chariots. If we allow Krishna (divine intelligence) to take control of the reins (mind), He can guide the horses (the senses), and put us on the right path (dharma). In doing so, Arjuna (the doer, will power) can know his dharma and do it selflessly, with the right motives and attitude, and to the best of his ability. With the combination of Arjuna and Krishna, one can win the battle against Duryodhana (the ego) and all of its desires (his brothers). With this battle won, there will be inner peace. And, if enough people win this inner war, there will be outer peace as well.

\textbf{PART VI: CONCLUDING REMARKS}

This paper has sought to give a Hindu perspective on dispute resolution. An analysis of the Bhagavad Gita and the Mahabharata shows that there are two levels of dispute resolution: First, the internal dispute between soul and ego, and second, the external dispute between human beings. The internal dispute between soul and ego can be resolved through the teachings of the


\textsuperscript{454} For example, Krishna suggests that one can obtain transcendental knowledge from a “self-realized” master. Gita Introduction, supra note 328 (citing verse 4.34). Additionally, one can also worship gods and deities, study the scriptures, give charity, or even fast. \textit{Ibid.} Still if one is not able to do any of these, Krishna asks for one to either do work in His name, or just surrender to his will. \textit{Ibid.} (citing verses 12.09-10 and 9.26-28) (“[W]hatever you do [or] eat . . . , whatever charity you give, whatever austerity you perform, do all that as an offering unto Me.”).
Bhagavad Gita, namely, following the twofold path of selfless duty and transcendent knowledge. One acquires transcendent knowledge in many ways such as by practicing yoga, meditation, and eating correctly. While one is acquiring transcendent knowledge, he or she should do his duty selflessly to the best of his or her ability without thinking of the fruits of his or her labor. With this twofold process, eventually inner peace and dharma will be realized. The ideal hope is that everybody will win this battle of soul over ego, which would lead to everybody realizing his or her dharma and contributing to cosmic world order.

Realistically speaking, hoping that everybody will realize his or her dharma is basically a dream, especially because we are living in the kali yuga, when the bull of dharma only has one foot. In such a world, there will continue to be disputes.

From the Mahabharata, we have a Hindu perspective on how to approach such disputes. First, one should not sacrifice one’s needs because doing so is worse than death. Second, one should try to acquire one’s needs peacefully to the best of one’s ability no matter how improbable it seems that it will be likelihood. There are different mechanisms for creating peace such as reminding one of the benefits of doing one’s dharma and the dangers of doing adharma, giving concessions and speaking with kind words. Third, if seeking to get one’s needs met peacefully has failed, one should seek to get one’s needs met by war (litigation). In doing so, one should try to the best of one’s ability and not be weak hearted.

This then is the Hindu perspective on dispute resolution. Even though it seems unlikely that everybody will find inner peace and dharma, it is still important to try and teach the Bhagavad Gita. As Krishna preached, one should do one’s dharma to the best of one’s ability without paying attention to its fruits. If providence wishes for it to be successful then it will, but if there is no human exertion there is no possibility for success at all. This paper then has been my dharma. And to me, it will be more than a success if even one person has the slightest inkling to try to fight the great war within. And to that person, I wish the best of luck.